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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Rural Electrification Administration, Department of Agriculture

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

Effective February 15, 1947, Part 400 of Title 6, issued September 11, 1946 (11 F. R. 177A-294 to 296, inclusive), is hereby amended as follows:

1. By deleting all of paragraph (h) of § 400.1 and substituting therefor a new paragraph (h) to read as follows:

§ 400.1 *Central organization.* * * *
(h) *Information Services Division.* Assists borrowers in member education work. Coordinates agency's educational program and provides assistance to other divisions in the preparation of educational material. Provides a consulting service to the agency on matters related to cooperative functioning. Disseminates information to borrowers and general public concerning condition and progress of rural electrification.

2. By deleting all of paragraph (f) of § 400.4 and substituting therefor a new paragraph (f) to read as follows:

§ 400.4 *Delegations of final authority.* * * *

(f) Authority has been delegated to Chief, Engineering Division (in addition to Deputy Administrator and Assistant Administrator).

(1) To approve construction contract amendments.

(2) To approve agreements involving less than three hundred dollars (\$300) to move poles to avoid physical interference with telephone lines.

(3) To approve borrower's selection of engineer.

(4) To approve borrower's selection of architect.

(R. S. 161, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 22)

Issued this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1818; Filed, Feb. 26, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[38-AAA-2 Rev.]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

PUBLICATION, NOTICE AND ADMINISTRATIVE REVIEW OF MARKETING QUOTAS

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended (52 Stat. 62, 63, 64, 66; 55 Stat. 92; 7 U. S. C. and Sup., 1361-1368, 1375 (b)), and the Administrative Procedure Act (60 Stat. 237), these regulations are hereby made, prescribed, and published, to be in force and effect until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 711.1 to 711.35, inclusive, issued under 52 Stat. 62, 63, 64, 66, 55 Stat. 92, 60 Stat. 237, 7 U. S. C. and Sup., 1361-1368, 1375 (b).

DEFINITIONS

§ 711.1 *Definitions.* As used in the regulations in this part:

(a) The term "Act" means the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U. S. C. and Sup., 1281-1407).

(b) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(c) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(d) The term "review committee" means the review committee appointed by the Secretary of Agriculture pursuant to section 363 of the act.

(e) The terms "State Committee," "county committee," and "community committee" mean the committees selected pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C., Sup., 590h (b)).

(f) The term "acreage allotment" means an acreage allotment established under Title III of the act.

(g) The term "quota" means a marketing quota established under Title III of the act, and, for purposes of review, shall be deemed to include the acreage allotment, normal yield or actual yield established or determined in connection therewith.

(h) The term "application" means an application for review of a quota under section 363 of the act.

PUBLICATION OF ACREAGE ALLOTMENTS AND QUOTAS AND NOTICE OF QUOTAS

§ 711.2 *Publication.* (a) Immediately upon the establishment of acreage allotments and of quotas for any commodity, the county committee shall prepare a list or other compilation containing the information specified in §§ 711.3 and 711.4.

(b) A copy of the list or other compilation so prepared shall be posted for not less than thirty days in a conspicuous place in the county (or in each local administrative area in the county if the county is divided into two or more local administrative areas) and shall be permanently kept freely available for public inspection in the office of the county committee.

§ 711.3 *List of other compilation of acreage allotments.* The list or other compilation shall contain the following information relating to acreage allotments:

(a) The acreage allotment for each farm or, in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no acreage allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the acreage allotment.

(b) The identification of the farm by giving the name of the owner or operator of the farm and the serial number thereof; in the case of rice, the name and serial number of the producer shall be given.

(c) The calendar year or crop for which such acreage allotment is made.

§ 711.4 *List of other compilation of quotas.* The list or other compilation shall contain the following information relating to quotas:

(a) The acreage allotment, if any, for each farm or, in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no

acreage allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the acreage allotment.

(b) The normal yield per acre for each farm wherever applicable.

(c) The quota for each farm or, in the case of rice, for each producer, expressed insofar as practicable in applicable units, such as pounds, bales, barrels or bushels; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no quota is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the quota.

(d) The identification of the farm by giving the name of the owner or operator of the farm and the serial number thereof; in the case of rice, the name and serial number of the producer shall be given.

(e) The marketing year, or the crop, whichever is applicable, for which such quota is effective.

§ 711.5 *Notice of acreage allotments and quotas.* (a) Immediately upon the establishment of quotas for any commodity, the county committee shall mail a written notice thereof to the producer, in the case of rice, and to the operator of the farm, in the case of any other commodity. If, after considering the eligibility for an acreage allotment of a farm or a producer, it has been determined that no quota is to be established for such farm or such producer, the notice shall contain the word "none" as the amount of the quota. A notice to the operator of the farm shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established," and such notice shall constitute notice to all such persons. The notice shall contain the information required by §§ 711.3 and 711.4 for publication. The notice shall contain also, on the face or back thereof, a brief reference to, or statement of, the procedure whereby application for review of the quota may be made.

(b) A copy of each notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice, certified by the secretary of the county committee as true and correct, shall be furnished without charge to any person interested in the farm in respect to which the quota is established.

§ 711.6 *Other regulations.* The provisions of §§ 711.2 through 711.5 may be supplemented by regulations issued by the Secretary of Agriculture in respect to acreage allotments or quotas for any specific commodity.

APPLICATION FOR REVIEW OF QUOTAS

§ 711.7 *Manner and time of filing application for review.* An application shall be in writing and addressed to, and filed with, the secretary of the county committee from which the notice of quota was received. The application shall be filed within fifteen days after the date of mailing of the notice.

§ 711.8 *Contents of application.* The application shall be accompanied by the original mailed notice of the quota sought to be reviewed, or by a copy of such notice certified as true and correct by the secretary of the county committee, and shall contain:

- (a) The date of the application.
- (b) The correct full name and full address of the applicant.
- (c) A statement of the amount of quota which it is claimed should have been established; or if the quota depends upon a farm marketing excess, the amount of such excess which it is claimed should have been determined.
- (d) A brief statement of each ground upon which the application is based.
- (e) The signature of the applicant.

§ 711.9 *Record of applications.* The secretary of the county committee shall make a notation on each application of the date of the receipt thereof by him and give such application an identification number.

§ 711.10 *Insufficient and untimely applications.* If the secretary of the county committee finds that any application filed (a) is not in substantial compliance with the provisions of § 711.8, or (b) is not made within the period fixed for the filing of applications, as provided in § 711.7, he shall so notify the applicant in writing by depositing the notice, accompanied by a copy of the regulations of this part, in the United States mails, registered and addressed to the applicant at his last known address. In the case of an insufficient application filed within the period fixed for the filing of applications, the applicant may, within fifteen days after the date of mailing of the notice aforesaid, file with such secretary an amended application containing the matter specified in § 711.8. Any such application shall be retained for appropriate action by the review committee.

§ 711.11 *Clerk to review committee.* The Secretary of the county committee shall act as clerk to the review committee, unless and until some other person shall have been designated by the county committee as clerk to the review committee. The county committee may designate a person other than the secretary of the county committee to act as clerk to the review committee. If not already an employee, the person so designated shall thereby become an employee of such county committee. Immediately upon such designation, the county committee shall notify the State committee thereof. In the event of such designation, the secretary of the county committee shall transmit to the person so designated any and all applications received by him and all papers and information relating thereto.

§ 711.12 *Transmission of information.* The clerk to the review committee shall furnish to the State committee such information pertaining to applications filed with him as the State committee may require.

THE REVIEW COMMITTEE

§ 711.13 *Eligibility for review committee.* Any farmer who is, or who is

eligible under the articles of association of county associations (ACP-71)¹ to become, a member of any county or community committee shall be eligible to serve on review committees to hear applications for review of quotas established in counties or communities which are adjacent to or near the county or community, as the case may be, for which he is a committeeman or eligible to become a committeeman. The eligibility hereby declared shall be subject at all times to the provisions of §§ 11.14 through 711.21. No farmer who is a member of a county or community committee of, or whose legal residence is in, one State shall be eligible to serve on a review committee in any other State.

§ 711.14 *Establishment of review committee.* Three eligible farmers shall be designated to serve on a review committee for a county, a group of counties, a community, or group of communities, and of the farmers so designated one shall be named chairman and another vice-chairman of such committee. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman, and in the absence of both the chairman and the vice-chairman, the other regular member shall, as acting chairman, perform the duties and exercise the powers of the chairman. No review committee shall include any member of the county or community committee through which was determined any matter relating to any quota for the review of which the review committee is established. Subject to the provisions of this section and of § 711.13, the same farmer may be designated to serve on more than one review committee. Not more than three additional eligible farmers may be designated as alternate members of the review committee to serve in the event of the absence of any regular members thereof or in case of any vacancies in such committee, but not more than two such alternates may serve concurrently. The alternates shall be called upon for service in the order of their designation, except that where a hearing will be unduly delayed by this procedure the person acting as chairman may call upon the alternate who is the most readily available for service.

§ 711.15 *Vacancies on review committee.* Subject to the requirements of eligibility set forth in §§ 711.13 and 711.14, a farmer shall be designated to fill any vacancy occurring in any review committee. Where a single vacancy occurs after a hearing is begun and before the final determination, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purposes of such hearing. If more than one such vacancy occurs, or if the two remaining members of the review committee cannot agree upon a determination, there shall be a new hearing, after the filling of the vacancy, by the entire review committee of three members.

§ 711.16 *Manner of designation.* The designations mentioned in §§ 711.14 and

¹ 7 CFR 713.

711.15 with respect to a review committee and the area for which the review committee shall serve shall be made in writing by the Secretary of Agriculture and notice of such designation shall be sent to (a) the farmer so designated, (b) the clerk to the review committee and (c) the State committee.

§ 711.17 *Time of designation.* Any designation may be made before, during, or after the period during which applications are required to be filed.

§ 711.18 *Period of designation.* A review committee shall serve for a period of one calendar year and shall hear applications for review of quotas established for the area served by the review committee and which become effective during the calendar year for which the review committee is designated: *Provided*, That the review committee may serve for a longer period than one year where necessary to conclude proceedings begun during such year.

§ 711.19 *Reservation of powers of Secretary of Agriculture.* Notwithstanding any of the foregoing provisions, the Secretary of Agriculture shall have the continuing power to revoke or suspend any designation made pursuant to the provisions of the regulations in this part, and, subject to the provisions of the act, to make such other designation as he may deem proper.

§ 711.20 *Effect of changes in review committee.* Nothing contained in the foregoing provisions relating to any vacancy or revocation or suspension of designation, and nothing done pursuant to such provisions, shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee, whose place has become vacant, participated, or as affecting in any way any court proceeding which may be instituted, pursuant to the provisions of the act, for the review of such determination.

§ 711.21 *Compensation.* The members of a review committee designated in accordance with the provisions above shall receive the same compensation as that received by the members of the county committee through which were established the quotas sought to be reviewed. The payment of such compensation shall be governed by instructions issued by the Production and Marketing Administration of the Department of Agriculture. The members of a review committee shall not be entitled to receive compensation for services as members of such committee for more than thirty days in any one year. Reimbursement for travel expenses shall be made at such rates and under such conditions as may be prescribed by the Production and Marketing Administration of the Department of Agriculture.

HEARING AND DETERMINATION

§ 711.22 *Place of hearing.* The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place

in the county as may be designated by the review committee.

§ 711.23 *Notice of hearing.* As soon as practicable after its establishment, the review committee shall arrange with the clerk to the review committee for the appointment of the time and the designation of the place for hearing on applications. Notice of the hearing shall be given by such clerk. The notice shall be in writing and shall specify the time, place and nature of the hearing. The notice shall also contain a statement of the statutory authority for the hearing and a statement that the application will be heard by the review committee duly appointed for the State and county in which the applicant's farm is located. Such notice shall be given to the applicant by depositing the same, at least ten days prior to the time appointed for the hearing, in the United States mails, registered and addressed to the applicant at his last known address. The appropriate State and county committees shall also be notified in writing of such hearing. A copy of all such notices shall be kept and recorded by such clerk.

§ 711.24 *Time and place of hearing and continuance thereof.* Such hearing shall be held at the time and place set forth in the notice of hearing, or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in §§ 711.22 and 711.23. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing: *Provided, however,* That at the request or with the consent of the applicant a hearing conducted by two members of the review committee, one of whom shall be a regular member, shall be deemed to be a regular hearing of the review committee as to such case, and the determination made by such members shall constitute the determination of the review committee.

§ 711.25 *Conduct of hearing—(a) Open to public.* Except as otherwise provided in the regulations of this part, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the determination of the quota for the applicant.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consoli-

dated and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary of Agriculture may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read the pertinent portions of the application for review filed by the applicant and shall then require the county committee or its representative to answer orally or in writing the material allegations contained in the application in a manner which will fully inform the applicant of the issues of fact and law in dispute. Such answer shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall, before proceeding to testify, be sworn, after which he shall give such information respecting his appearance as the review committee may request. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes at the hearing as will enable it to make a summary of the testimony received at the hearing, and a transcript of such summary shall be made. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript and provides for its preparation and for the payment of the expense thereof, or (2) the State committee requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee without charge.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the

appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk to the review committee.

§ 711.26 *Withdrawal of applications.* An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed "Dismissed at the Request of the Applicant." This endorsement shall be made by the clerk to the review committee if the withdrawal takes place before the hearing and by the chairman of the review committee if the withdrawal takes place after the hearing has begun.

§ 711.27 *Nonappearance of applicant.* If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant, the review committee may thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application, or continue the hearing to a later date.

§ 711.28 *Amendments.* Upon due application, and within the discretion of the review committee, the right of amendment of the application and of all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

§ 711.29 *Reopening hearing.* The review committee (a) on its own motion, or upon due application therefor, may, within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee, reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document, and (b), upon application by or on behalf of the Secretary of Agriculture made for any purpose within a period of sixty days from the date of mailing to the applicant of a copy of the determination of the review committee, shall reopen the hearing.

§ 711.30 *Determination by review committee.* (a) The review committee shall make an order dismissing without further hearing any insufficient application or any application which was not filed within the period required for the filing of applications.

(b) As soon as practicable after hearing on any sufficient application, and after consideration of the entire record of the proceedings, the review committee shall make a determination upon the application. If it is determined by the

review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The determination shall also show the review committee's rulings upon the proposed findings and conclusions filed by the applicant. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In all cases the review committee shall consider only such matters as, under the applicable provisions of the act and regulations of the Secretary of Agriculture thereunder, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary of Agriculture thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate.

§ 711.31 *Service of determination.* A copy of the determination, or of any order dismissing the application, as provided in §§ 711.27 or 711.30, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the applicant by depositing the same in the United States mails, registered and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established," and such statement shall constitute notice to all such persons. The clerk to the review committee shall make a notation on the original determination or order of the date and place of such mailing. The clerk to the review committee forthwith shall forward a copy of such determination or order to the Hearing Clerk, to the chairman of the State committee, and to the chairman of the county committee.

§ 711.32 *The record.* The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notice of hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regula-

tions, and apportionments, national, State, or county, issued by the Secretary of Agriculture in respect to acreage allotments and marketing quotas for the commodity in question, as may be presented at the hearing by or on behalf of the Secretary of Agriculture.

(c) The answer of the county committee to the allegations contained in the application, which may be summarized by the review committee if the answer is given orally.

(d) The transcript of the testimony taken in accordance with the regulations in this part, to which shall be annexed any documentary evidence received at the hearing. The review committee shall make such corrections in any verbatim transcript made as will make the text conform to the correct meaning. The corrections shall be made in such manner as will not obscure the original text of the transcript. In each case which is followed by the institution by the applicant of proceedings in court for a review of the determination of the review committee, the record shall include a copy of the notice of the designation of the members of the review committee, and a copy of the regulations in this part.

(e) Any written arguments or proposed findings of fact and conclusions which may have been filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk to the review committee and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.33 *Court proceedings; duty of review committee.* (a) The review committee is required, by section 365 of the act, upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee.

(b) Upon the institution of such suit, the clerk to the review committee shall immediately send a telegram addressed to the Hearing Clerk, United States Department of Agriculture, Washington, D. C. The telegram shall state the name of the plaintiff, the name of the court in which the suit is instituted, and the time

within which appearances must be made in such suit in behalf of the review committee. Any member of the review committee served with papers in such suit shall forward such papers to the clerk to the review committee, who shall in turn forward them to the Hearing Clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary of Agriculture.

FORMS AND CUSTODY AND INSPECTION OF RECORDS

§ 711.34 *Forms and custody and inspection of records.* (a) The forms required in connection with the publication, notice and review of acreage allotments and quotas shall be prescribed by the Secretary of Agriculture. The following forms prescribed under review regulations heretofore issued, 38-AAA-2 (3 F. R. 1749), are hereby prescribed for use in connection with the review of acreage allotments or quotas becoming effective during the calendar year 1947, and the references in such forms to the Review Regulations, 38-AAA-2, shall be construed to mean these regulations and the references in such forms to sections 300, 301, 513, Article III, and Article V of the Review Regulations, 38-AAA-2, shall be construed as references to §§ 711.7, 711.8, 711.30, 711.7 to 711.12, inclusive, and 711.22 to 711.32, inclusive, respectively, of the regulations in this part: Form No. 38-AAA-3, Application for Review of Farm Marketing Quota; Form No. 38-AAA-4, Notice of Untimely Filing; Form No. 38-AAA-5, Notice of Insufficiency; Form No. 38-AAA-7, Order of Dismissal; Form No. 38-AAA-8, Determination of Review Committee.

(b) The clerk to the review committee shall carefully keep and preserve a record of all applications and of all proceedings relating to the review of such applications.

(c) The Hearing Clerk shall maintain a file of all records, documents and papers specifically required by these regulations to be sent to such clerk.

(d) All records, documents, and papers referred to in paragraphs (b) and (c) of this section shall be available for public inspection at the office of the clerk to the review committee and the office of the Hearing Clerk, respectively.

RESCISSION OF PRIOR REVIEW REGULATIONS

§ 711.35 *Rescission of prior regulations.* The regulations in this part shall supersede the marketing quota review regulations, 38-AAA-2, issued July 13, 1938 (3 F. R. 1749), as amended December 16, 1938 (3 F. R. 3029), October 11, 1940 (5 F. R. 4062), March 8, 1941 (6 F. R. 1353), and June 27, 1941 (6 F. R. 3163).

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1815; Filed, Feb. 26, 1947;
8:46 a. m.]

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO; 1947-1948

The purpose of this proclamation is to apportion among the several States the national marketing quota for Burley tobacco for the 1947-1948 marketing year proclaimed on October 1, 1946 (11 F. R. 11441), in accordance with the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. Prior to the apportionment of such quota among the several States, public notice of the proposed action was given (11 F. R. 14249) in accordance with the Administrative Procedure Act (60 Stat. 237). The views and recommendations of Burley tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in apportioning the quota among the several States.

In view of the fact that Burley tobacco growers are now preparing plant beds, purchasing fertilizer, and preparing the land on which tobacco will be transplanted, it is hereby determined and found that this proclamation should, and the same hereby shall, become effective upon publication in the FEDERAL REGISTER in order that the national marketing quota, as apportioned among the several States and converted into the State acreage allotments, may be apportioned among farms and the operators notified of their farm acreage allotments and marketing quotas as soon as it is administratively possible to do so.

§ 725.308 *Apportionment of the national marketing quota for Burley tobacco for the 1947-48 marketing year among the several States.* The national marketing quota proclaimed in § 725.306 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of said act, as follows:

State and Acreage Allotment

Alabama	89
Arkansas	94
Georgia	66
Illinois	29
Indiana	11,089
Kansas	377
Kentucky	302,554
Missouri	5,780
North Carolina	10,827
Ohio	14,389
Oklahoma	6
Pennsylvania	6
South Carolina	9
Tennessee	77,896
Virginia	13,035
West Virginia	3,672
Reserve ¹	2,211
Total	442,129

¹ Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

(52 Stat. 46, 47; 53 Stat. 1261; 56 Stat. 121; 7 U. S. C. and Supp. 1312 (a), 1313 (a), 1313 (g))

Done at Washington, D. C., this 21st day of February 1947. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1817; Filed, Feb. 26, 1947; 8:46 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2100—OFFICE OF THE SECRETARY
INFORMATION AND RECORDS

Section 2100.3 *Availability of information and records.* (11 F. R. 177A-233), is amended as follows:

1. By amending paragraph (a) (5) to read as follows:

(a) *Confidential records.* * * *

(5) Records of audits other than information with respect thereto authorized by the Secretary of Agriculture or the Board of Directors of Corporations to be made available and other than records of audits included under paragraph (b) (2) (e) of this section.

2. By amending the first sentence of paragraph (b) to read as follows:

(b) *Records of limited availability.* The records enumerated below are of limited availability and information contained therein shall not be disclosed, nor shall a copy thereof be furnished, except in proper cases upon requests from Federal official sources or as specifically provided: * * *

3. By adding after subdivision (d) of paragraph (b) (2) the following subdivision (e):

(e) Records and reports of audits, parts thereof, or information with respect thereto in connection with contractual relations under the jurisdiction of the Production and Marketing Administration, may be made available to the contractor or person whose activities form the basis of the audit, and in the case of audits in connection with the national school lunch program, may be made available also to State Educational Agencies.

(R. S. 161; 5 U. S. C. 22)

Issued this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1816; Filed, Feb. 26, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

NEW MEXICO AND MONTANA

CROSS REFERENCES: For orders affecting the tabulation contained in § 501.1, see Public Land Orders 350 and 352 under Title 43, *infra*, revoking certain public land orders withdrawing public lands in New Mexico and Montana for use of the War Department.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 260—APPEALS WITHIN THE BOARD

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 260 of the regulations of the Railroad Retirement Board under such act; (4 F. R. 1477; 6 F. R. 4684; 7 F. R. 776; and 8 F. R. 5701) is revised by Board Order 47-33 dated January 28, 1947, to read as follows:

- Sec.
260.1 Initial decisions by the Bureau of Retirement Claims.
260.2 Appeal from an initial decision of the Bureau of Retirement Claims.
260.3 Final appeal from a decision of the Appeals Council.
260.4 Determination of date of filing of appeal.

AUTHORITY: §§ 260.1 to 260.4, inclusive, issued under sec. 10, 50 Stat. 314, 45 U. S. C. and Supp. 228j.

§ 260.1 *Initial decisions by the Bureau of Retirement Claims.* (a) Claims will be adjudicated and initial decisions made by the Bureau of Retirement Claims upon the basis of the application, the evidence submitted by the applicant, and evidence otherwise available. Adjudication and initial decision will be in accordance with instructions issued by the board.

(b) Notice of an initial decision shall be communicated by the Bureau of Retirement Claims to the applicant in writing within thirty days after such decision is made.

§ 260.2 *Appeal from an initial decision of the Bureau of Retirement Claims.* (a) Every applicant shall have a right to appeal to the Appeals Council from any initial decision of the Bureau of Retirement Claims by which he claims to be aggrieved. The Appeals Council shall consist of three members, one of whom shall be named by the Board as Chairman.

(b) Appeal from an initial decision of the Bureau of Retirement Claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such appeal must be filed with the Appeals Council within one year from the date upon which notice of the initial decision is mailed to the applicant at the address furnished by him.

(c) The right to further review of an initial decision of the Bureau of Retirement Claims shall be forfeited unless formal appeal is filed in the manner and within the time prescribed in this part.

(d) In the event that the applicant makes informal complaint without taking formal appeal, which complaint is not eliminated by explanation of the basis of the initial decision of the Bureau of Retirement Claims, the Appeals Council shall endeavor to ascertain, by correspondence or conference with the applicant, whether he takes issue with any point of fact or law involved in the initial decision of the Bureau of Retirement Claims, and, if so, whether the applicant desires to take a formal appeal

to the Appeals Council. In the latter event, he shall be supplied with the appeal form prescribed by the Board, which form shall be duly executed and filed before the applicant is considered to have made an appeal.

(e) The appellant, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the Appeals Council, evidence not offered by the appellant is available and relevant and is material to the merits of the claim, the Appeals Council shall obtain such evidence upon its own initiative. The Appeals Council shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(f) In the development of appeals, the Appeals Council shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations.

(g) All oral evidence presented at any hearing shall be reduced to writing. All evidence presented by the appellant and all evidence developed by the Appeals Council shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the adjudication of the claim, shall constitute the record for decision of the appeal. After an appeal form is filed, the completion of the record shall be initiated by the inclusion therein of the file made in the adjudication of the claim; the compilation of the record shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by the appellant or his representative.

(h) Upon completion of the record, the Appeals Council shall render decision thereon as soon as practicable, and within thirty days after the making thereof, such decision shall be communicated to the appellant in writing. Decision by two or more members of the Council shall be the decision of the Council.

§ 260.3 *Final appeal from a decision of the Appeals Council* (a) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of the Appeals Council by which he claims to be aggrieved.

(b) Final appeal from a decision of the Appeals Council shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within four months from the date upon which notice of the decision by the Appeals Council is mailed to the appellant at the address furnished by him. As used in this part, a month shall be considered to have elapsed between any date and

the date corresponding thereto in the next succeeding month.

(c) The right to further review of a decision of the Appeals Council shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in this part.

(d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further,* That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the Appeals Council, or, in the event that the appellant shows that he is ready to present to the Appeals Council, the claim may be referred back to the Appeals Council. Thereupon the Appeals Council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he has arguments to present which for valid reasons he was unable to present at an earlier stage, and in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

§ 260.4 *Determination of date of filing of appeal.* In determining whether an appeal has been made in accordance with the regulations in this part, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made, whichever date is earlier.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-1803; Filed, Feb. 26, 1947;
8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-45]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED GREEN BEANS AND CANNED WAX BEANS

Correction

In Federal Register Document 47-1587, appearing at page 1137 of the issue for Wednesday, February 19, 1947, the following changes are made:

1. In the third column on page 1138, the fourth line of paragraph 3 should read: "short end pieces sifted from regular cuts."

2. In the third column on page 1139, the seventeenth line of subparagraph (6) should read: "cup to a previously weighed 30-mesh".

3. In the third column on page 1140, the third line of subparagraph (5) should read: "weigh and record the weight of the de-"; and the sixth line of the following paragraph should read: "if it supports the ½ pound weight for".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.1 *Designation of Acting Housing Expediter.* William E. O'Brien is hereby designated to act as Housing Expediter during my absence on February 24 and 25, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (E. O. 9820, Jan. 11, 1947, 12 F. R. 205)

Issued this 21st day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1806; Filed, Feb. 26, 1947;
8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice 345, Issued 2/26/47]

PART 672—STATE DIRECTOR ADVICES

DEFERMENT FOR NAVAL RESERVE OFFICERS' TRAINING CORPS AND NAVAL AVIATION COLLEGE PROGRAM

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of

1940, as amended, is hereby made a matter of record:

§ 672.345 *Deferment for Naval Reserve Officers' Training Corps and Naval Aviation College Program.* (a) Public Law 729, 79th Congress, provides for a new naval officer candidate training program, the chief components of which are the Naval Reserve Officers' Training Corps and the Naval Aviation College Program.

(b) In accordance with the provisions of Public Law 729, nationwide competitive examinations for candidates within the age group 17 through 20 were conducted in January 1947 to choose candidates for matriculation into courses of study under such program to commence in September 1947. No candidate who will reach the age of 21 by July 1, 1947, will be accepted.

(c) The Navy Department has indicated that the competitive examinations will be scored by February 15, 1947. Candidates who qualify will be notified by the Officer Procurement Division of the Bureau of Naval Personnel on a form designated as NROTC and NACP Notification to Successful Candidates, NAVPERS-922 (NEW 12-46). Between February 15, 1947, and May 15, 1947, successful candidates will be enlisted in the Naval Reserve, after which they will be entitled to classification in Class I-C.

(d) Between February 15, 1947, and May 15, 1947, candidates who receive the NROTC and NACP notification to successful candidates and who are registrants of an age liable for military service, will present this notice to their local boards, unless they are otherwise entitled to deferment. It is requested that the most serious deferment consideration be given during this period to candidates ages 19 through 20 who are registrants, and who present such notification of qualification to their local boards.

(e) The Bureau of Naval Personnel will advise the Director of Selective Service of the names of any candidates who are dropped from either component of this program. The Director of Selective Service will in turn notify the State Directors in such instances.

(54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-1828; Filed, Feb. 26, 1947;
8:45 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property and Administration of Lend-Lease ¹

[FLC Reg. 8, Amdt. 1 to Order 6]

PART 8508—DISPOSAL OF SURPLUS PROP- ERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

The President has informed the Secretary of State that many items of surplus property excepted by Order 6 (De-

¹ Formerly Department of State, Disposal of Surplus Property.

partmental Regulation 108.39, 12 F. R. 397) from the importation prohibition of § 8508.15 of FLC Regulation 8 (Departmental Regulation 108.30, 11 F. R. 13423) have now ceased or will during the coming months cease to be in critically short supply and urgently needed for reconversion in the United States. The President has requested the Secretary of State to take such steps as are necessary to terminate on October 1, 1947 the period during which the items covered by Order 6 may be imported into the United States without regard to the importation prohibition and to remove at this time certain items from the list covered by the order.

It is hereby ordered. That FLC Regulation 8, Order 6, with Schedule A attached thereto be and is hereby amended as follows:

1. Items appearing on Schedule A may be imported into the United States only if they are in transit to a point in the United States on or before October 1, 1947. For the purpose of this order "in transit to a point in the United States" shall mean that the property involved is afloat, or is covered by an on-board ocean bill of lading to a point in the United States, or has been delivered to and accepted by a rail, truck or air carrier for transportation to a point within the United States.

2. The items appearing on Schedule A are subject to removal at any time. In the event of such removal prior to October 1, 1947, items so removed are not excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 if the purchase by the importer, or his consignor, of those items was made subsequent to the effective date of the removal order. Items purchased by the importer, or his consignor, prior to the effective date of the order removing those items from Schedule A will not be affected by the importation prohibition of § 8508.15 of FLC Regulation 8 if such items are placed in transit to a point in the United States, as defined above, within ninety days of the effective date of the removal order, provided that such ninety-day period does not extend beyond October 1, 1947.

3. The following items are hereby removed from Schedule A and are not excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 unless they were purchased by the importer, or his consignor, prior to the effective date of this order and are in transit to a point in the United States, as defined above, on or before May 27, 1947: *Provided, however,* That items purchased pursuant to Bid Invitation No. BE-3 of the Field Commissioner for Canada and North Atlantic Areas of the Office of the Foreign Liquidation Commissioner, issued January 20, 1947 and supplemented by Addendum No. 1 on February 5, 1947, shall not be affected by the provisions of this paragraph. No item on Schedule A as published January 18, 1947 (12 F. R. 397) which is purchased pursuant to Bid Invitation BE-3 is subject to the importation prohibition of § 8508.15 if in transit to a point in the United States on or before October 1, 1947:

Automotive and transportation equipment:
Automobiles: passenger.
Automotive maintenance shop equipment: such as auto jacks and lifts, brake servicing machines, motor testing equipment, valve grinders, etc.
Automotive parts.
Batteries: storage, automotive.
Tire chains: passenger and truck.
Trucks: all sizes, new and used (including jeeps).
Building materials and equipment:
Fittings for copper water tube.
Pipe coverings: molded: for low pressure steam and water piping: 4" and under.
Pipe fittings and unions: screwed: 150 lb. SWP, malleable iron and 125 lb. SWP, gray cast iron: sizes 4" and under.
Pumps: condensation and vacuum heating: up to 1,000 lbs. per hour.
Construction machinery and equipment:
Cranes: tractor-mounted, wheel-mounted and truck-mounted.
Crane attachments for earthmoving: shovel fronts, draglines, clamshell buckets, etc.
Ditchers and trenchers.
Graders: road: drawn.
Scrapers: carry type: motorized and drawn, 6 cubic yards and larger.
Tractor attachments in excess of one per tractor.
Electrical equipment and supplies:
Circuit breakers: all capacities and voltages.
Generator sets: portable and stationary, diesel driven, 50 kw. and up.
Motors: fractional hp., a. c., standard specifications except those of 1/8 to 1/2 hp., inclusive.
Motors: standard specifications, a. c. and universal types, 110, 220 and 440 v., 60 cycles.
Pole line hardware: all types.
Switchgear: all capacities and voltages.
Machinery and allied equipment:
Belting: conveyor.
Belting: farm machinery types.
Boring mills: horizontal and vertical.
Diesel power units: 70 to 250 hp.
Engines and hoists: logging, 100 to 300 hp. (donkey engines).
Lathes: standard engine types.
Milling machines, horizontal: plain and universal.
Milling machines: small die cutting types.
Presses: all types and sizes.
Pumps: deep well.
Refrigeration equipment: heavy industrial and commercial.
Refrigeration equipment: repair and replacement parts.
Sawmills: portable.
Tractors: wheel types, 10-35 DBHP.
Water purification equipment: including tanks, softening, chlorinating and filtering equipment.
Professional and scientific apparatus, equipment and supplies:
Dental supplies.

This order shall become effective February 27, 1947.

(58 Stat. 765, 59 Stat. 533, Pub. Law, 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Supp. 1611)

[SEAL]

GEORGE C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1824; Filed, Feb. 26, 1947;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

ORGANIZATION

AUTHORITY OF REGIONAL ADMINISTRATORS;
LAND REGIONS AND REGIONAL HEADQUARTERS

Under authority of section 403 (e) of the President's Reorganization Plan No. 3 of 1946; It is ordered:

(a) The regional administrator for each region shall have immediate supervision over the work of the district land offices and all other field offices in his region.

(b) All authority formerly vested in the regional field examiners, the regional cadastral engineers and the regional graziers by Departmental or Bureau orders is hereby transferred to and hereafter shall be exercised by the regional administrators.

(c) All regulations of the Bureau of Land Management containing provisions which conflict with the foregoing will be amended as soon as possible so as to conform thereto.

PART 50—ORGANIZATION AND PROCEDURE

The following text is substituted for §§ 50.30 and 50.31:

§ 50.30 *Supervision.* The headquarters organization of the Bureau of Land Management, in addition to formulating policies and programs concerning the public lands, and administering the eastern region, has immediate supervision over the work of the regional administrators.

§ 50.31 *Land regions; regional administrators.* There are seven land regions, as follows:

(a) Washington, Oregon and Idaho, with headquarters at Portland, Oregon.

(b) California and Nevada, with headquarters at San Francisco, California.

(c) Utah and Colorado, with headquarters at Salt Lake City, Utah.

(d) Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Iowa, and Missouri, with headquarters at Billings, Montana.

(e) Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, with headquarters at Albuquerque, New Mexico.

(f) All the remaining States, with headquarters at Washington, D. C.

(g) Alaska, with headquarters at Anchorage.

The regional administrator for each region, to the extent of the authority delegated to him, is responsible for the management, protection and disposal of the public lands in his region and has immediate supervision over the work of the district land offices and all other field offices in his region.

(Sec. 403, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

FRED W. JOHNSON,
Director.

Approved: February 21, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-1797; Filed, Feb. 26, 1947; 8:45 a. m.]

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

WYOMING GRAZING DISTRICT NO. 4

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 351 under this chapter, *infra*, which revokes Executive Order 3263 temporarily withdrawing certain lands in Wyoming Grazing District No. 4 pending a determination as to what portion thereof, if any, would be needed as a landing field for aeroplanes in connection with national forest fire patrol purposes.

Appendix—Public Land Orders

[Public Land Order 350]

NEW MEXICO

REVOKING PUBLIC LAND ORDER 18 OF JULY 29, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 18 of July 29, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the hereinafter-described public land for the use of the War Department as a practice bombing range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 18 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 18, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 18, 1947, to July 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 29, 1947, to April 18, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans,

may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 18, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 28, 1947, to July 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 24 E.,
sec. 27.

The area described contains 640 acres.
This is typical desert land, fairly level in topography.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1798; Filed, Feb. 26, 1947; 8:48 a. m.]

[Public Land Order 351]

WYOMING

REVOCATION OF EXECUTIVE ORDER 3263 OF
APRIL 28, 1920

By virtue of the authority contained in section 1 of the act of June 25, 1910 c. 421, 36 Stat. 847 (U. S. C. Title 43, sec. 141), and pursuant to Executive Order

No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 3263, of April 28, 1920 temporarily withdrawing the E $\frac{1}{2}$ and SW $\frac{1}{4}$ sec. 19, T. 24 N., R. 119 W., 6th P. M., Wyoming, pending a determination as to what portion thereof, if any, would be needed as a landing field for aeroplanes in connection with national forest fire patrol purposes, is hereby revoked.

The lands are nearly level and semi-arid in character, supporting native desert vegetation. They are within Wyoming Grazing District No. 4.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 21, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 21, 1947, to July 21, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1947, to April 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 1, 1947, to July 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims,

shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Evanston, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Evanston, Wyoming.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 17, 1947.

[F. R. Doc. 47-1799; Filed, Feb. 26, 1947; 8:48 a. m.]

[Public Land Order 353]

ALASKA

WITHDRAWING PUBLIC LANDS FOR PROTECTION OF WATER SUPPLY FOR CITY OF FAIRBANKS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described area are hereby withdrawn from all forms of appropriations under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for the protection of the water supply for the City of Fairbanks:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
sec. 26, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 120 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 18, 1947.

[F. R. Doc. 47-1801; Filed, Feb. 26, 1947; 8:47 a. m.]

[Public Land Order 352]

MONTANA

REVOKING IN PART PUBLIC LAND ORDER 83 OF JANUARY 23, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS MANEUVER AREA

By virtue of the authority vested in the President and pursuant to Executive

¹For notice for filing objections to this order, see Interior Department, Bureau of Land Management, in Notices section, *infra*.

Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 83 of January 23, 1943, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department as a maneuver area, which was revoked in part by Public Land Order No. 223 of April 10, 1944, is hereby revoked so far as it affects the hereinafter-described public lands.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 83 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 21, 1947, to July 21, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlements rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1947, to April 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 1, 1947, to July 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satis-

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factory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 10 N., R. 4 W.,
sec. 17, lots 3, 6, 7, 8, 14, 15 and 16.

The areas described aggregate 31.10 acres. The lands are rolling in topography, lying at an elevation of approximately 4,100 feet.

Lot 4, containing 3.21 acres, was erroneously described as public land in Public Land Order No. 83. It was patented June 28, 1923.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 17, 1947.

[F. R. Doc. 47-1800; Filed, Feb. 26, 1947;
8:47 a. m.]

TITLE 49—TRANSPORTATION
AND RAILROADSChapter I—Interstate Commerce
Commission

[S. O. 260, Amdt. 6]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of February A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128), and good cause appearing therefor: It is ordered, that:

Section 95.260 *Salting of ice on cars of citrus* of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this order, during the effectiveness of this

amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of tangerines, or loaded with mixed carloads of tangerines and other citrus fruit providing tangerines comprise fifty percent (50%) or more of the lading.

Effective date. This amendment shall become effective at 12:01 a. m., February 24, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., May 15, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1807; Filed, Feb. 26, 1947;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 941]

[Docket No. AO-101-A6]

HANDLING OF MILK IN CHICAGO, ILL.,
MARKETING AREANOTICE OF HEARING ON PROPOSED AMENDMENTS
TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11971, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Hotel Stevens, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., March 5, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area (11 F. R. 9606). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association:

1. Delete § 941.1 (e) and substitute therefor the following:

(e) "Approved plant" means any plant which is approved by any health authority for the receiving of milk which may be disposed of as Class I milk, as defined in § 941.4, in the marketing area, except if such plant has been suspended as a pool plant pursuant to § 941.6.

2. Add at the end of § 941.1 (g) the following:

(g) This definition shall not include any person who sells the larger percentage of Class I milk handled by him in a marketing area under any other milk marketing agreement or order issued under the act where such person is a handler subject to such other milk marketing agreement or order.

By the Dairy Branch, Production and Marketing Administration:

3. Amend § 941.4 (a) (2) by adding after the words "fluid cream" the following: "frozen cream, other cream frozen, plastic cream, or any cream product similar to the products here named."

4. Amend § 941.4 (a) (2) by including the counties of Stark, Marshall, Woodford, Livingston, Ford, and Iroquois in the State of Illinois, and the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion,

Vigo, and Sullivan in the State of Indiana in the "surplus milk manufacturing area."

5. Amend § 941.4 (a) (3) by adding to such paragraph the following:

Such utilization shall be substantiated by daily production records:

(i) If the unapproved plant makes available to the market administrator adequate daily records of its total milk receipts and the utilization or disposition thereof, but intermingles its receipts of fluid milk or fluid cream from an approved plant with its other receipts and is therefore unable to account for the utilization of the receipts from an approved plant, such fluid milk shall be allocated on a daily basis as substantiated by production records to the amount of butterfat used in Class III milk products, in Class IV milk products, and in Class II milk products, respectively, and the balance, if any, shall be allocated to the amount of fluid milk in Class I milk products, and such fluid cream shall be allocated on a daily basis as substantiated by production records to the amount of butterfat used in Class IV milk products, in Class III milk products, in Class II milk products, and in Class I milk products, respectively;

(ii) If the unapproved plant does not make available to the market administrator adequate daily records of its total milk receipts and the utilization or dis-

position thereof, but does make available to the market administrator adequate records of utilization on a monthly basis, the fluid milk received from an approved plant shall be allocated to the amount of fluid milk used in Class I milk products, then to the amount of butterfat used in Class II milk products, in Class III milk products, and in Class IV milk products, respectively, as shown by such production records, and the fluid cream received from an approved plant shall be allocated to the amount of butterfat used in Class II milk products, in Class III milk products, in Class IV milk products, and in Class I milk products, respectively, as shown by such production records; and

(iii) If adequate records of utilization are not available the milk shall be classified pursuant to § 941.4 (c).

6. Amend § 941.4 (e) (3) (ii) by adding after the word "tests" the following: "(In the case of flavored milk and flavored milk drinks the average fat test including test of chocolate ingredients)."

7. Amend (2), (3), (4), and (5) of § 941.4 (f) by changing the designations thereof to (3), (4), (5), and (6), respectively, and adding as (2) the following: "Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream and utilized during the delivery period in such class."

By the Associated Milk Dealers Inc.:

8. Delete (1) and (2) of § 941.4 (b) and substitute therefor the following:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, but including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk, the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, butter-milk, frozen cream, ice cream, and ice cream mix.

9. Delete § 941.4 (b) (4) (iii) and substitute therefor the following:

(iii) Actual shrinkage, but in an amount not to exceed one-half percent of total pounds of butterfat received directly from producers plus 2 percent of the total pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at an approved plant or platform from all sources: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

10. Delete § 941.4 (e) (6) (vi) and substitute therefor the following:

(vi) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 2 percent the pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at an approved plant or platform from all sources, and adding such amount to the result obtained by mul-

tiplying by one-half percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subdivision shall be zero if records of utilization satisfactory to the market administrator are not available.

By the Pure Milk Association:

11. Delete (1) and (2) of § 941.5 and substitute therefor the following:

(1) *Class I milk*. The price for Class I milk shall be the basic formula price plus 70 cents, except that during the delivery periods of May and June the price shall be the basic formula price plus 50 cents, and during the delivery periods of August, September, October, and November the price shall be the basic formula price plus \$1.00.

(2) *Class II milk*. The price for Class II milk shall be the basic formula price plus 32 cents, except that during the delivery periods of August, September, October, and November the price shall be the basic formula price plus 60 cents.

By the Consolidated Badger Cooperative, the Wisconsin Cooperative Dairies, the Fox River Valley Cooperative Creamery, the Columbus Milk Products Cooperative, the St. Croix Valley Cooperative Dairies, West Depere Cooperative Creamery, Ladysmith Milk Producers Cooperative Association, the Lake to Lake Dairy Cooperative, the Dairyland Cooperative Association, the Barron Cooperative Creamery, and the Kaukauna Cooperative Dairy (hereinafter referred to as Consolidated Badger Cooperative et al.):

12. Amend § 941.5 (a) (3) to read as follows:

(3) *Class IV milk*. Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, less 1 cent and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (i) add 3¼ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound or (ii) subtract 3¼ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the

Class IV price shall be subject to the following adjustments: Add 3¼ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or subtract 3¼ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

13. Delete § 941.5 (b) and substitute therefor the following:

(b) *Class prices*. Subject to the appropriate location adjustment credits set forth in (c) of this section, each handler, at the time and in the manner set forth in § 941.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) *Class I milk*. The price for Class I milk shall be the average of the basic formula prices for the preceding month and the current month, plus 70 cents.

(2) *Class II milk*. The price for Class II milk shall be the average of the basic formula price for the current month and the preceding month plus 32 cents, except that during the delivery periods of May and June of each year the price for that portion of Class II milk used in frozen cream shall be the average of the basic formula price for the current month and the preceding month, plus 20 cents.

(3) *Class III milk*. The price for Class III milk shall be the same as the basic formula price for the current month.

(4) *Class IV milk*. The price for Class IV milk shall be the same as the price computed pursuant to (a) (3) of this section.

14. Amend § 941.5 (c) (2) by adding thereto the following proviso:

Provided, That if any handler can prove to the market administrator that the LCL freight rate approved by the Interstate Commerce Commission, or the State authorities having the power to fix intrastate rail rates for the movement of cream in forty quart cans from the shipping point for the plant where such milk is received from producers to the marketing area, is in excess of the allowance herein provided, such actual freight rate shall be allowed such handler on Class II milk.

By the Associated Milk Dealers, Inc.:

15. Amend § 941.5 (a) (1) by adding the following manufacturing plants to the list of such plants appearing in said sections:

Borden Co., Dixon, Ill.
Carnation Co., Oregon, Ill.
Libby, McNeill & Libby Co., Morrison, Ill.
Dean Milk Co., Pecatonica, Ill.
Amboy Milk Products Co., Amboy, Ill.

16. Amend (1) and (2) of § 941.5 (b) to read:

(1) *Class I milk*. The price for Class I milk shall be the basic formula price plus 70 cents, except that during the period from April 16 through July 15 the price for Class I milk shall be the basic formula price plus 45 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus 32 cents, except that during the period from April 16 through July 15 the price for Class II milk shall be the basic formula price plus 20 cents.

17. Amend § 941.5 (c) to read:

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant or platform (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant or platform to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in (i) of this subparagraph or in (2) (i) of this subparagraph, shall be $2\frac{1}{2}$ cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles by rail or highway, whichever is shorter, from the City Hall in Chicago.

(2) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid cream from such approved plant to a plant engaged in the bottling of fluid milk or cream or in the manufacturing of ice cream or ice cream mix, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class II milk but did not move in the manner described in (1) (i) of this paragraph or in (i) of this subparagraph shall be $\frac{3}{4}$ cent per hundredweight of milk equivalent for each 15 miles or fraction thereof that such approved plant is located more than 70 miles by rail or highway, whichever is shorter, from the City Hall in Chicago.

18. Amend § 941.5 by adding a new paragraph (e) to read as follows:

(e) If any handler has purchased or received from any producer, during any delivery period, milk having an average butterfat content, other than 3.5 percent, such handler, in making the payments pursuant to paragraph (a) of this section to such producer shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent not more than 4 cents per hundredweight.

By the Beatrice Foods Company:

19. Amend § 941.5 by adding paragraph (e) as follows:

(e) *Sales outside the marketing area.* The price to be paid by a handler for Class I milk disposed of outside of marketing area 41, shall be the price, as ascertained by the market administrator, which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the U. S. Public Health Service or under regulations of equal requirements shall be classed as Grade A milk.

By the Ice Cream Manufacturers' Association of Cook County:

20. Amend § 941.5 (b) (2) to read as follows:

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section (for Class III milk) plus a premium of 32 cents for the months of July to the following March, both inclusive, and a premium of 20 cents during the months of April, May, and June: *Provided, however,* That as to purchases during April, May, and June, any handler who shall certify that such purchases are for frozen cream storage shall be entitled to a reduction of 17 cents per hundredweight. Any handler who shall receive such reduction shall be liable under the provisions of § 941.8 (g) for the amount thereof as to any frozen cream used before the following July 15th or used at any time for other than a Class II use.

By the Pure Milk Association:

21. Amend § 941.6 to read as follows:

§ 941.6 *Application of provisions—(a) Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Pool plants.* Any approved plant which meets the requirements of this section shall be designated as a pool plant until such designation is suspended pursuant to paragraph (2) hereof.

(1) *Requirements.* A pool plant must utilize as Class I or Class II milk on its own premises or dispose of such milk to a plant engaged in the distribution of Class I or Class II milk in the marketing area the minimum percentages of fluid milk or butterfat specified by the market administrator. The requirements of a pool plant shall be determined by the market administrator. The market administrator shall call a meeting of handlers and cooperative associations after at least three (3) days notice of such meeting has been mailed by the market administrator to handlers and cooperative associations. At such meeting consideration shall be given to the desirable percentage of utilization of milk received from producers during the delivery period immediately following the month in which such meeting is held. Following such meeting, and not later than the 25th day of the month during which held, the market administrator shall mail to all handlers operating pool plants an announcement of his determination of the desirable percentage of utilization of milk received from producers during the next delivery period. Such determination shall include a statement setting forth the minimum percentage of milk received from producers to be utilized as Class I or Class II milk or disposed of to a plant engaged in the distribution of Class I or Class II milk in the marketing area. In order to facilitate meeting the requirements of this paragraph, from time to time the market administrator

shall notify all handlers and cooperative associations by letter of the handlers reporting to him a desire to buy fluid milk or fluid cream, and of the handlers reporting to him a desire to sell fluid milk or fluid cream.

(2) *Suspension.* Any plant which fails to meet the requirements of (1) hereof shall be suspended as a pool plant during the delivery periods of February, March, April, May, June, and July next following. However, if the handler operating such plant during the delivery period or periods in which the violation occurred notified the market administrator of a desire to dispose of fluid milk or fluid cream and thereafter did not receive sufficient requests to purchase all of such milk or cream, such plant shall not be suspended. The burden of proving insufficient requests to purchase milk or cream shall be upon the handler. Offers to sell such milk or cream must be upon terms and conditions prevailing in the area where such plant is located. Suspension shall become effective upon notice by the market administrator to the handler operating the plant whenever the market administrator finds on the basis of available information, that the handler did not meet the requirements provided for in (1) hereof. Sections 941.4 through 941.14 hereof shall not apply to any handler with respect to any milk which is received at a plant that is suspended as a pool plant during the period of the suspension.

(c) *Payment for milk received from sources determined as other than from producers or other handlers.* The market administrator in computing the value of milk for each handler pursuant to § 941.7 shall add an amount determined by multiplying the pounds of milk purchased or received from sources determined as other than producers or other handlers by the difference between the value of such milk pursuant to its allocation in § 941.4 (f) (3) and the value of such milk at the price for Class IV milk. This provision shall not apply if such handler can prove to the market administrator that such milk was used for purposes which did not violate any regulations issued by the various health authorities in the marketing area, and that such milk was not obtained from a plant that has been suspended as a pool plant pursuant to (b) (2) of this section.

(d) *Announcement by the market administrator.* The market administrator shall publicly announce the name of any handler who fails to meet the requirements of (b) (1) hereof.

(e) *Payment for overrun.* The market administrator in computing the value of milk for each handler pursuant to § 941.7 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.4 (e) (7) by the appropriate price pursuant to its allocation in § 941.4 (f) (4).

By the Dairy Branch, Production and Marketing Administration:

22. Amend § 941.6 by adding as paragraph (d) the following:

(d) *Butterfat in skim milk.* A handler may claim butterfat in skim milk disposed of to others or used in the manufacture of dairy products by including

the butterfat content of such skim milk in his report or otherwise notifying the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent per hundredweight of skim milk as the butterfat content of such skim milk. In the event the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective. Classification of such butterfat shall be determined pursuant to § 941.4.

By the Pure Milk Association:

23. Amend § 941.7 (b) (3) by adding thereto the following:

(i) Subtract an amount equal to the milk equivalent of Class II butterfat utilized as frozen cream, multiplied by the difference between the Class II and Class IV prices for the current delivery period from the total pool value; and

(ii) Add the amount subtracted under (i) above with respect to any frozen cream used in Class II products during the current delivery period.

By the Consolidated Badger Cooperative et al.:

24. Amend § 941.8 (b) as follows:

(b) *Location adjustment to producers.* In making payment to producers pursuant to (a) (2) of this section, handlers shall deduct per hundredweight with respect to all milk purchased or received from producers, at a plant located more than 70 miles by rail or highway (whichever is the shorter), from the City Hall in Chicago, Illinois, the amount specified as follows:

	Cents per hundredweight
(1) Within 70.1 to 85 miles.....	1½
Within 85.1 to 100 miles.....	3
Within 100.1 to 115 miles.....	4½
Within 115.1 to 130 miles.....	6

For each 15 miles, or part thereof, beyond 130 miles from the City Hall in Chicago, Illinois, an additional ½ cent per hundredweight: *Provided, however,* That in the event the accumulated deductions from producers as provided herein effective from the first day of the period for which this provision becomes applicable is in excess of the allowances provided for in § 941.5 (c) (by an amount in excess of \$50,000) the market administrator shall give public notice that the location adjustment to producers shall, for succeeding reporting periods, be as follows:

	Cents per hundredweight
(2) Within 70.1 to 85 miles.....	1
Within 85.1 to 100 miles.....	2
Within 100.1 to 115 miles.....	3
Within 115.1 to 130 miles.....	4

For each 15 miles or part thereof beyond 130 miles from the City Hall in Chicago, Illinois, an additional ¼ cent per hundredweight: *And provided fur-*

ther, That said rate shall continue in effect until the accumulated excess of deductions from producers over allowances to handlers has been reduced to \$25,000 or less, in which event schedule (b) (1) shall be applicable for the succeeding delivery periods, until the proviso clause in (b) (1) of this section becomes applicable.

By the Dairy Branch, Production and Marketing Administration:

25. Amend § 941.9 (a) by adding the following phrase "a sum not exceeding 2 cents per hundredweight" the words "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

26. Delete § 941.9 (b).

By the Dairy Branch, Production and Marketing Administration:

27. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

General proposals by the Dairy Branch, Production and Marketing Administration:

28. Make such other changes as may be required to make the entire marketing agreement or order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1425 Field Building, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1846; Filed, Feb. 26, 1947; 8:46 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A7]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at Hotel Sinton, 4th and Vine Sts., Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., March 3, 1947, for the purpose of receiving evidence with

respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area (9 F. R. 825, 9 F. R. 9880, 10 F. R. 7607, 11 F. R. 7331, 11 F. R. 9670, 11 F. R. 14011). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By The K. I. O. Milk Producers Association, Inc., and The Milk Producers' Union, Inc.:

1. Delete from § 965.6 (a) (1) the figure "\$1.15" and substitute therefor the figure "\$1.30."

2. Delete from § 965.6 (a) (2) the figure "\$0.70" and substitute therefor the figure "\$0.85."

3. Establish a floor under the prices for Class I milk and Class II milk at cost of production.

By The Cooperative Pure Milk Association:

4. Delete § 965.6 (a) (1) and (2) and substitute therefor the following:

(1) The price for Class I milk shall be the price for Class III milk plus \$1.30: *Provided,* That such price shall not be less than \$5.00.

(2) The price for Class II milk shall be the price for Class III milk plus \$0.85: *Provided,* That such price shall not be less than \$4.55.

By the Avondale Dairy, G. H. Berling, Inc., George Bosse, Cedar Hill Farms, The Coors Bros. Company, J. H. Fielman Dairy Co., August Hinnenkamp Dairy, John C. Mandery & Son, Hyde Park Dairy, J. Weber Dairy, Wilson Dairy and H. Woebkenberg:

5. Amend § 965.6 (a) by adding a new subparagraph (4) as follows:

(4) In the case of Class III milk disposed of as butter, the price per hundredweight shall be the average price per pound of 92 score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 2 cents, multiplied by 4. In the event that the total receipts of milk, excepting emergency milk, by all handlers from producers and new producers during the delivery period, as ascertained by the market administrator from reports submitted by handlers pursuant to § 965.4 (a), are less than 125 percent of the total quantity of milk disposed of as Class I and Class II milk by such handlers computed pursuant to § 965.5, the price set forth above shall apply to a quantity of milk disposed of as butter but not to exceed 10 percent of such Class I and Class II milk.

By the Wilson Dairy Products:

6. Amend § 965.6 (c) in such a manner that the average price (blend of Class I, Class II, and Class III milk values) for any handler never will exceed the price for Class I milk computed pursuant to (a) (1) of this section.

General proposals by the Dairy Branch, Production and Marketing Administration:

7. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the Market Administrator, 152 E. 4th Street, Cincinnati 2, Ohio, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1847; Filed, Feb. 26, 1947;
8:46 a. m.]

[17 CFR, Part 969]

[Docket No. AO-172-A2]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Hotel Stevens, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., March 3, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area (11 F. R. 11126). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Lake County Milk Dealers' Association, Inc.:

1. Amend § 969.1 (b) to read as follows:

(b) "Suburban Chicago, Illinois, Marketing Area", hereinafter called "Marketing Area" means all of the territory geographically included within the City of Barrington in Lake County, the Townships of Dundee, Elgin, St. Charles, Geneva, Batavia and Aurora in Kane County, Cook, DuPage and Will Counties, Illinois, except territory lying within the corporate limits of the cities and villages of Chicago, Evanston, Wilmette, Kenilworth, Winetka, Glencoe, and Oak Park, in the State of Illinois, and that a separate Federal Marketing Order be established for all of the territory geographically included within the Townships of North, Calumet, and Hobart, in Lake County, Indiana, and that the Federal Marketing Order for this territory

when established embody the present Order No. 69 (11 F. R. 11126) together with the amending proposals herewith submitted.

2. Amend § 969.1 (i) to read as follows:

(i) "Grade A Milk" means fluid milk labeled Grade A.

3. Amend § 969.1 (j) to read as follows:

(j) "Grade B Milk" means fluid milk not labeled Grade A.

By the Committee for Order 69 Handlers:

4. Amend § 969.4 (b) to read as follows:

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk (excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk), including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk and bulk cream disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk.

By the Dairy Branch, Production and Marketing Administration:

5. Amend § 969.4 (f) by changing the designation of subparagraph (6) to (7) and adding a new provision as subparagraph (6) to read as follows:

(6) If after making the applicable deductions pursuant to subparagraphs (1) to (5), inclusive, (i) the amount of Class I milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, and none of the butterfat received from producers has been allocated to Class II milk, Class III milk, or Class IV milk, the amount of Class I milk allocated to producers shall be equal to the amount of milk received from producers plus the 3.5 percent milk equivalent of the butterfat overrun, (ii) the amount of Class I milk plus the 18 percent cream equivalent of the butterfat in the remaining Class II milk, Class III milk, and Class IV milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, the difference shall be subtracted from the amount of Class I milk. The adjusted Class I milk pounds shall be used in completing the computation of the handler's obligation to producers.

6. Amend (e) (3) (ii) of § 969.4 by adding after the word "tests" the following: "(in the case of flavored milk and flavored milk drinks the average fat test including test of chocolate ingredients)".

By the Lake County Milk Dealers Association, Inc.:

7. Amend § 969.4 (b) (1) and (2) to read as follows:

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk (excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk), including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, Class IV milk, or Class V milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

8. Amend § 969.4 (b) by adding subparagraph (5), as follows:

(5) Class V milk shall be all milk in excess of the actual and complete requirements of each handler as follows: Whenever any handler shall give the Pure Milk Association and/or the Market Administrator not less than twenty-four hours' notice to dispose of all milk above the actual and complete requirements of such handler and the Pure Milk Association shall fail to accept delivery of such milk or the Market Administrator shall fail to instruct the handler where such milk should be disposed of, and which milk the handler takes into his plant on account of the failure of the Pure Milk Association to accept delivery or the failure of the Market Administrator to instruct as to the disposition of such milk, then such milk shall become Class V milk.

9. Amend § 969.4 (b) (4) (iii) to read as follows:

(iii) Actual shrinkage, but in an amount not to exceed $\frac{1}{2}$ percent of the total pounds of butterfat received directly from producers plus $2\frac{1}{2}$ percent of the total pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at a plant as described in § 969.1 (f) from all sources which were not disposed of in bulk to a plant as described in § 969.1 (f) or to a plant not meeting such description: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

By the Pure Milk Association:

10. Amend subparagraphs (1) and (2) of § 969.5 (b) to provide for the following premiums above the basic formula price:

	Grade A	Grade B
(1) Class I milk		
January through April.....	\$0.70	\$0.60
May and June.....	.50	.40
July.....	.70	.60
August through November.....	1.00	.90
December.....	.70	.60
(2) Class II milk		
January through July.....	.32	.22
August through November.....	.60	.50
December.....	.32	.22

By the Committee for Order 69 Handlers:

11. Amend § 969.5 by adding a new paragraph (g) as follows:

(g) *Out of area milk.* (1) The price to be paid by a handler for Class I milk disposed of outside of Marketing Area 69, shall be the price, as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

(2) For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the United States Public Health Service, or under regulations of equal requirements shall be classed as Grade A milk.

12. Amend § 969.5 (a) (3) to read as follows:

(3) The price per hundredweight computed from the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and make the following adjustment: Add $3\frac{1}{2}$ ¢ per hundredweight for each full $\frac{1}{2}$ cent that the price per pound of nonfat dry milk solids is above 5 cents, or subtract $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that the price per pound of nonfat dry milk solids is below 5 cents. For the purpose of determining this adjustment the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published by the United States Department of Agriculture for the Chicago area during such delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, for such delivery period, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago during such delivery period as published by the United States Department of Agriculture and the adjustment to be made as follows: Add $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that such price is above 6

cents, or subtract $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that such price is below 6 cents.

13. Amend subparagraphs (1) and (2) of § 969.5 (b) to read as follows:

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus 70 cents, except that during the delivery periods of April, May, and June the price for Grade A Class I milk shall be the basic formula price plus 45 cents; (ii) the price for Grade B Class I milk shall be the basic formula price plus 50 cents, except that during the delivery periods of April, May, and June the price for Grade B Class I milk shall be the basic formula price plus 25 cents.

(2) *Class II milk.* (ii) The price for Grade B Class II milk shall be the basic formula price plus 12 cents.

By the Lake County Milk Dealers Association, Inc.:

14. Amend § 969.5 (a) (3) to read as follows:

(3) The price per hundredweight computed from the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and making the following adjustment: Add $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that the price per pound of nonfat dry milk solids is above $5\frac{1}{2}$ cents, or subtract $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that the price per pound of nonfat dry milk solids is below $5\frac{1}{2}$ cents. For the purpose of determining this adjustment the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published by the United States Department of Agriculture for the Chicago area during such delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, for such delivery period, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago during such delivery period as published by the United States Department of Agriculture and the adjustment to be made be as follows: Add $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that such price is above $7\frac{1}{2}$ cents or subtract $3\frac{1}{2}$ cents per hundredweight for each full $\frac{1}{2}$ cent that such price is below $7\frac{1}{2}$ cents.

15. Amend § 969.5 (b) by adding a new subparagraph (5), as follows:

(5) *Class V milk.* The price of Class V milk shall be the net price actually received, f. o. b. the handler's plant,

less twenty (20) cents per hundredweight as and for the handling charge thereof.

By the Lake County Milk Dealers Association, Inc.:

16. Amend § 969.6 by adding a new paragraph (c), as follows:

(c) If a handler operates a plant (or plants) from which both Grade A milk and Grade B milk is disposed of in the marketing area, the market administrator shall compute a separate milk value for milk utilized in each grade.

By the Dairy Branch, Production and Marketing Administration:

17. Amend § 969.6 by adding a new paragraph (c), as follows:

(c) *Butterfat in skim milk.* A handler may claim butterfat in skim milk disposed of to others or used in the manufacture of dairy products by including the butterfat content of such skim milk in his report or otherwise notifying the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use .06 percent per hundredweight of skim milk as the butterfat content of such skim milk. In the event the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective. Classification of such butterfat shall be determined pursuant to § 969.4.

By the Committee for Order 69 Handlers:

18. Amend § 969.6 (b) to read as follows:

(b) *Uniform prices of handler of both Grade A milk and Grade B milk.* If a handler operates both a plant (or plants) from which only Grade A milk is disposed of in the marketing area and a plant (or plants) from which only Grade B milk is so disposed of, even though such plant (or plants) are located within the same building, the market administrator shall compute a separate milk value and uniform price for milk so disposed of from each type of plant.

By the Lake County Milk Dealers' Association, Inc.:

19. Amend § 969.8 (b) to read as follows:

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 3.5 percent in milk received from any producer or association of producers during the delivery period, the uniform price paid to such producer or association of producers shall be plus or minus, as the case may be, four cents.

By the Dairy Branch, Production and Marketing Administration:

20. Amend § 969.9 by adding the following phrase "an amount not exceeding 4 cents per hundredweight" the words "or such lesser amount as the Secre-

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tary may prescribe," and delete from such section the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

By the Dairy Branch, Production and Marketing Administration:

21. Delete from § 969.10 (a) the parenthetical phrase "(or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary)" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

General proposals by the Lake County Milk Dealers' Association, Inc.:

22. Petitioners respectfully petition that any and all other sections of the Order No. 69 as amended, to which the proposals of amendment herewith submitted are in any way related, be likewise amended and changed insofar as changes and amendments become necessary because of the amendments herein proposed.

By the Dairy Branch, Production and Marketing Administration:

23. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

It is hereby determined that an emergency exists which requires a period of notice less than 15 days and that the notice provided for herein is deemed to be reasonable under the attendant circumstances.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1425 Field Building, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1845; Filed, Feb. 26, 1947;
8:46 a. m.]

[7 CFR, Part 972]

[Docket No. AO-177-A3]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at LaFayette Hotel, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., March 5, 1947, for the purpose of receiving evidence with respect to proposed amend-

ments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Tri-State milk marketing area (11 F. R. 12926). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Review for the purpose of determining whether it should be modified or deleted, the following language in § 972.1 (h) (suspended effective November 1, 1946, by order of the Secretary): "or (2) having its entire dairy farm supply of milk produced under health requirements equivalent to those applicable to dairy farm supplies of a plant(s) described under (1) of this paragraph and moving 50 percent or more of its total receipts of skim milk and butterfat to the latter plant(s)."

By the Huntington Interstate Milk Producers Association, Scioto County Milk Producers Association, Marietta Cooperative Milk Producers Association, and Athens Milk Sales, Inc.:

2. Delete § 972.5 (b) and substitute therefor the following:

(b) *Class I milk prices.* Subject to the provisions of (c), (f), (g), and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to (a) of this section plus the following amounts for the delivery periods indicated:

	Huntington district plants	Other plants
May and June	\$1.15	\$0.95
July, August, March, and April	1.25	1.05
September, October, November, December, January, and February	1.40	1.20

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (c), (f), (g), and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to (a) of this section plus the following amounts for the delivery periods indicated:

	Huntington district plants	Other plants
May and June	\$0.85	\$0.65
July, August, March, and April	.95	.75
September, October, November, December, January, and February	1.10	.90

By the Dairy Branch, Production and Marketing Administration:

4. Review, for the purpose of determining whether it should be modified, or deleted, the language of § 972.8 (g), which reads as follows (suspended effective

November 1, 1946, by order of the Secretary):

(g) *Location adjustment.* In making payments pursuant to (a) of this section, a handler may deduct an allowance for transporting milk from a producer's farm to the handler's fluid milk plant where such milk is received at a rate authorized by such producer, plus, with respect to all producer milk received at a fluid milk plant described in § 972.1 (h) (2) from which milk is moved 30 miles or more by shortest highway distances as determined by the market administrator to a Huntington District plant described in § 972.1 (h) (1), an amount determined by multiplying the hundredweight of all milk so moved by 20 cents and dividing such result by the total hundredweight of producer milk received at such plant, but such amount to be deducted shall not exceed 20 cents per hundredweight.

General proposals by the Dairy Branch, Production and Marketing Administration:

5. It is proposed that, in the event the provisions of § 972.1 (h) and § 972.8 (g), as set forth above, should be deleted or modified, the provisions of § 972.1 (h), § 972.5, § 972.7, and § 972.8 shall be revised to specify the appropriate point of delivery of producers' milk at which the class and uniform prices should apply.

6. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the Market Administrator, 527 First Huntington National Bank Building, Box 1149, Huntington 1, West Virginia, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1848; Filed, Feb. 26, 1947;
8:45 a. m.]

[7 CFR, Part 974]

[Docket No. AO 176-A2]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 901 et seq., 10 F. R. 11791, 11 F. R. 7737), as amended, notice is hereby given of a hearing to be held at the Virginia Hotel, Third and Gay Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., March 10, 1947, for the purpose of receiving evi-

dence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area (11 F. R. 1081, 9424). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

a. In § 974.1; by the Dairy Branch, Production and Marketing Administration:

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraphs:

(l) "Route" means a delivery route (including a plant store) on which milk, skim milk, buttermilk, or flavored milk drink is distributed in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than a fluid milk plant(s) or milk manufacturing plant(s).

(m) "Producer-handler" means a producer who is also a handler, but who receives no milk from other producers: *Provided*, That such person shall be considered as a handler only for the purposes of §§ 974.3 (b) (1), 974.4 (d) (1) (ii), and 974.4 (d) (2) (ii).

By Allen Milk Company, Derrerrfield Farms Dairy, Diamond Milk Products, Distelhorst Milk Company, Fairmont Creamery Company, Farmers Cooperative Dairy, H. L. Gabel & Sons Dairy, Home Producers Milk Company, Isaly's, Inc., A. Keller & Son Dairy, McClish Dairy Products, Mar Ber Farms, Model Dairy Products, Pallet Milk Company, Pestel Milk Company, Richer Dairy Products, Scioto Valley Dairy & Ice Cream Co., The Borden Company, Timmons Dairy, Westerville Creamery Company, Wetherell Dairy, and Young's Dairy, hereafter referred to as Allen Milk Company, et al.:

3. Add at the end of § 974.1 the following paragraph:

(o) "Market pool handler" means a handler who disposes of 25% or more of his receipts of milk from producers and other handlers as Class I milk during each delivery period. The market administrator shall determine if a handler is a market pool handler within this definition upon the basis of the reports for each delivery period.

b. In § 974.2; by the Central Ohio Cooperative Milk Producers, Inc.:

4. After the figure "7" in § 974.2 (c) (7) and before the word "on" insert in parenthesis the letter "I". Delete the semicolon after the word "association" at the end of this paragraph and add the following:

(ii) On or before the 12th day of each month, report to each cooperative association for the preceding month with respect to each handler the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b);

c. In § 974.3; by the Dairy Branch, Production and Marketing Administration:

5. Delete (b) (1) of § 974.3 and substitute therefor the following:

(b) (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

d. In § 974.4; by Allen Milk Company, et al.:

6. In § 974.4 (b) (2) convert the semicolon to a period and delete "or (ii) used to produce cottage cheese," and in § 974.4 (b) (3) strike out the word "or" before the word "frozen," convert the period at the end of said subparagraph to a comma and add "or cottage cheese."

7. In § 974.4 (b) (4), strike out all of the present language after the semicolon following the word "feeding" in (ii) and insert in lieu thereof the following:

(iii) All skim milk and butterfat contained in inventory variation; and (iv) actual plant shrinkage for each delivery period which shall be deemed to be the total actual plant shrinkage from the beginning of the calendar year to the close of the delivery period less shrinkage previously allowed during said year, but the total shrinkage from the beginning of said year to the close of the delivery period shall not exceed 2½ percent, respectively, of the total receipts of skim milk or butterfat during the calendar year not including skim milk or butterfat transferred directly from other handlers' plants.

8. In § 974.4 (d) (1) (iii) before the word "statement" insert the word "sworn." After the word "buyer" strike out "and the seller." After the word "milk" which follows "Class IV," strike out "and that such utilization may be audited at the receiving plant."

9. In § 974.4 (d) (2) (iii), before the word "statement" insert the word "sworn" and after the word "by" strike out "the seller and." After the word "milk" following "class IV," strike out "and that such utilization may be audited at the receiving plant."

10. Strike out all of paragraph (f) of § 974.4 and insert in lieu of the present provisions of said paragraph the following, which shall include a new paragraph designated (g):

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations in the order specified shall be the pounds in each class allocated to milk received from producers:

(1) Subtract from the total pounds of butterfat in Class IV milk (other than butterfat used in butter making), the pounds of butterfat shrinkage allowed pursuant to (b) (4) (iv) of this section;

(2) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to (d) of this section;

(3) Subtract from the remaining pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers is less than 115 percent of the total pounds of butterfat in such handler's Class I milk; or

(ii) The pounds of butterfat in other source milk received;

(4) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to (3) of this paragraph;

(5) Subtract from the pounds of butterfat remaining in each class, after making the deductions pursuant to (1), (2), and (3) of this paragraph, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to (4) of this paragraph;

(6) Add to the remaining pounds of butterfat in Class IV milk (other than butterfat used in butter making), the pounds subtracted pursuant to (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed in (f) of this section.

By the Dairy Branch, Production and Marketing Administration:

11. Delete § 974.4 (d) (1) (ii) and substitute therefor the following:

(ii) As Class I milk if transferred to a producer-handler.

12. Delete § 974.4 (d) (2) (ii) and substitute the following therefor:

(ii) As Class II milk if transferred to a producer-handler.

e. In § 974.5; by Allen Milk Company, et al.:

13. Strike out all of the provisions of § 974.5 (a) and insert in lieu thereof the following:

§ 974.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I milk, Class II milk, and Class III milk prices.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk, Class II milk, and Class III milk provided in this section shall be the average of the two prices determined pursuant to (1) and (2) of this paragraph.

(1) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(2) The price per hundredweight computed by the market administrator in accordance with the following formula: From the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, subtract 3.5 cents, add 20 percent, and multiply the resulting amount by 3.5; *Provided*, That such price shall be increased by the amount resulting from the following computation: from the average of the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. manufacturing plants, as published by the Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 5.5 cents, multiply by 8.5, and multiply such net amount pursuant to this proviso by 0.965.

By the Central Ohio Cooperative Milk Producers, Inc.:

14. Delete the provisions (b), (c), and (d) of § 974.5 and insert in lieu thereof the following:

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is:	The price per hundredweight for skim milk and butterfat in Class I shall be:		
	Skim milk	Butterfat	3.5 percent milk
Under \$2.75.....	\$1.089	\$70.00	\$3.501
\$2.75 or over, but under \$3.00..	1.141	75.00	3.726
\$3.00 or over, but under \$3.25..	1.193	80.00	3.951
\$3.25 or over, but under \$3.50..	1.245	85.00	4.176
\$3.50 or over, but under \$3.75..	1.297	90.00	4.402
\$3.75 or over, but under \$4.00..	1.349	95.00	4.627

Provided, That when the basic formula price is \$4.00 or more, the price per hundredweight for skim milk and butterfat, respectively, shall be the price associated with the "\$3.75 or over, but under \$4.00" range in the basic formula price plus \$0.052 and \$5.00, respectively, for each successive 25 cent range in the basic formula price.

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be determined as follows:

The prices per hundredweight for skim milk and butterfat, respectively, shall be the prices determined by (b) of this section less \$0.052 and \$5.00.

(d) *Class III milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class III, shall be determined as follows:

The prices per hundredweight for skim milk and butterfat, respectively, shall be the prices determined by (b) of this section less \$0.125 and \$7.00: *Provided*, That the prices per hundredweight of skim milk and butterfat in Class III milk shall be not less, respectively, than the prices per hundredweight of skim milk and butterfat (other than in butter) in Class IV milk.

By Derrfield Farms Dairy, Fairmont Creamery Company, Farmers Co-op, Isaly's, Inc., McClish Dairy, Pallet Milk Company, Richer Dairy Products, Scioto Valley Dairy and Ice Cream Co., The Borden Company, and Westerville Creamery:

15. Strike out all of the provisions of § 974.5 (b), (c), and (d) and insert in lieu thereof the following:

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices per hundredweight to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) For the delivery periods of April, May, and June, add \$0.85 to the basic formula price; for the delivery periods of October, November, and December, add \$1.20 to the basic formula price; for all other delivery periods add \$1.00 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in (1) of this paragraph, multiplied by 18.75.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum per hundredweight prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(1) For the delivery periods of April, May, and June, add \$0.60 to the basic formula price; for the delivery periods of October, November, and December,

add \$0.95 to the basic formula price; for all other delivery periods add \$0.75 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in (1) of this paragraph, multiplied by 18.75.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(1) For the delivery periods of April, May, and June add \$0.25 to the basic formula price; for the delivery periods of October, November, and December add \$0.60 to the basic formula price; for all other delivery periods add \$0.40 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in (1) of this paragraph, multiplied by 18.75.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

By Allen Milk Company, et al.:

16. In § 974.5 (g) (1), after the first colon, insert the following:

Provided, however, If the same or similar subsidy, or other similar payment, is being made by any Federal agency in connection with any milk classified under this order, no adjustment shall be made;

17. In § 974.5 (g) (2) strike out the word "or" which appears between "Class I milk" and "Class II milk" as they appear therein the first time and insert in lieu thereof a comma and after "Class II milk" as it appears therein, the first time, insert ", Class III milk or Class IV milk."

Strike out the word "or" which appears between "Class I milk" and "Class II milk" where said terms are used the second time and insert in lieu thereof a comma and after "Class II milk" as it appears the second time insert ", Class III milk or Class IV milk."

Strike out the word "or" which appears between "Class I milk" and "Class II milk" as they appear the third time and insert in lieu thereof a comma and after "Class II milk" as it appears the third time insert ", Class III milk or Class IV milk."

f. In § 974.6; by Allen Milk Company, et al.:

18. In § 974.6 (c) (1) strike out the semicolon at the end thereof and add the following: "and except those who are not market pool handlers;"

19. Add a subparagraph to paragraph (c) of § 974.6 by striking out the word

"and" at the end of subparagraph (4) and inserting the following:

(5) Subtracting for each of the delivery periods of April, May, and June, beginning in 1948, an amount representing 25 cents per hundredweight of milk received from producers by the handlers and adding, for each of the delivery periods of October, November, and December, one-third of the aggregate amount so subtracted; and

20. Renumber subparagraph (5) as subparagraph (6) in paragraph (c) of § 974.6.

By the Central Ohio Cooperative Milk Producers, Inc.:

21. Delete from § 974.6 (c) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

By Dairy Branch, Production and Marketing Administration:

22. Delete from § 974.6 (a) the following proviso: "Provided, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

By Allen Milk Company, Diamond Milk Products, Distelhorst Milk Company, H. L. Gabel & Son Dairy, Home Producers Milk Company, A. Keller & Son Dairy, Mar Ber Farms, Model Dairy Products, Pestel Milk Company, Timmons Dairy, Wetherell Dairy, and Young's Dairy:

23. Amend the provisions of §§ 974.6 and 974.7 so as to provide for an individual-handler pool, instead of for a market-wide pool, and make such other changes as may be required to make the entire order conform with this proposal.

g. In § 974.7; by Allen Milk Company, et al.:

24. In § 974.7 (a) after the word "each" as it appears therein the second time and before the word "handler" as it appears therein the first time, insert "market pool."

25. In paragraph (c) of § 974.7, after the word "each" as it appears the second time and before the word "handler" as it appears therein the first time, insert "market pool."

26. Add paragraph (g) to § 974.7, said paragraph (g) to read as follows:

(g) On or before the 15th day after the end of each delivery period each handler who is not a market pool handler shall make payment to each producer for the milk received from such producer, an amount computed by multiplying such milk by not less than the price per hundredweight determined by the market administrator, pursuant to paragraph (a) of § 974.6, to be the average price based upon the non-market pool handler's utilization of milk, subject to the butterfat differential computed pursuant to (f) of this section.

h. In § 974.8; by the Dairy Branch, Production and Marketing Administration:

27. Delete § 974.8 and substitute therefor the following:

§ 974.8 *Expense of Administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat in (1) producer milk and (2) other source milk at a fluid milk plant.

i. In § 974.9; by Dairy Branch, Production and Marketing Administration:

28. Delete § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services—(a) Deductions.* Except as set forth in (b) of this section each handler shall deduct from the payments pursuant to § 974.7 (a) 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk received (except such handler's own production), and shall pay such deduction to the market administrator on or before the 12th day after the delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information. Such services to be performed by the market administrator or by an agent engaged by and responsible to him.

j. In § 974.12; by Allen Milk Company, et al.:

29. Include a new section to be designated § 974.12 and renumber present §§ 974.12 and 974.13 so that they will be §§ 974.13 and 974.14, respectively. Said new section to read as follows:

Whenever, under the terms of this order, it is necessary to compute, express, or report quantities in terms of weight, the standard of weights of the Bureau of Dairy Industry, United States Department of Agriculture, shall be used.

By the Dairy Branch, Production and Marketing Administration:

30. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL]

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1849; Filed, Feb. 26, 1947;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 8089¹]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

The Commission having scheduled a hearing upon the above-entitled application for March 4, 1947 at Washington, D. C.; and

It appearing, that the majority of the industry consulting engineers who wish to participate in the above-entitled matter are scheduled to attend an engineering meeting in New York on March 3 through 6, 1947; and

It appearing further, that public interest, convenience and necessity will be served by a continuance of said hearing;

It is ordered, This 21st day of February 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Friday March 7, 1947 at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1804; Filed, Feb. 26, 1947;
8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Chapter II]

[File No. 21-403]

DOLL AND STUFFED TOY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of February 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Doll and Stuffed Toy Industry at the Hotel McAlpin, 34th Street and Broadway, New York, N. Y., on March 24, 1947, beginning at 10:00 a. m., eastern standard time. The industry is that engaged in the manufacture, sale, or distribution of dolls and stuffed toys of various kinds and types, and parts and accessories therefor, including wigs, articles of doll clothing, and other parts or accessories. All persons or concerns engaged in such business are invited to attend or be represented at the conference and take part in the proceedings. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses may be eliminated and prevented.

By direction of the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1827; Filed, Feb. 26, 1947;
8:45 a. m.]

¹ 12 F. R. 936.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 48]

K. MIKIMOTO, INC.

Whereas, by Vesting Order Number 106, dated August 17, 1943 (7 F. R. 7057, September 5, 1942), there were vested all the issued and outstanding shares of the capital stock of K. Mikimoto, Inc., a New York corporation; and

Whereas, by Supplemental Vesting Order Number 3637, dated May 15, 1944 (9 F. R. 5352, May 19, 1944), there were vested the interests of the following nationals of a designated enemy country, Japan, to wit, J. Seo, M. Kuki, S. Tanabe and I. Okada, represented on the books and records of K. Mikimoto, Inc., as accounts and notes payable, and it has been determined that certain claims in favor of J. Seo totalling \$8,058.63, certain claims in favor of M. Kuki totalling \$5,403.32, certain claims in favor of S. Tanabe totalling \$2,758.10 and a certain claim in favor of I. Okada in the amount of \$1,817.84 were thereby vested; and

Whereas, K. Mikimoto, Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except claims formerly of J. Seo in the amount of \$8,058.63, claims formerly of M. Kuki in the amount of \$5,403.32, claims formerly of S. Tanabe in the amount of \$2,758.10, and a claim formerly of I. Okada in the amount of \$1,817.84, all of which have been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of K. Mikimoto, Inc. (to wit, Francis J. Carmody, President and Director, Henry S. Sellin, Treasurer and Director, Stanley B. Reid, Secretary and Director, Francis J. Foley, Director, Martin S. Watts, Director, and Robert Kramer, Director, and their successors or any of them), continue the proceedings for the dissolution of K. Mikimoto, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation, second, in satisfaction of the claims of the Attorney General of the United States in the principal amounts of \$8,058.63, \$5,403.32, \$2,758.10, and \$1,817.84 as hereinbefore described, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of K. Mikimoto, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 19th day of February 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1842; Filed, Feb. 26, 1947;
8:47 a. m.]

[Dissolution Order 49]

STEFFENS, JONES & CO., INC.

Whereas, by Vesting Order Number 214, dated October 3, 1942 (7 F. R. 9056, November 6, 1942), amended December 29, 1942 (8 F. R. 200, January 5, 1943), there were vested all the issued and out-

standing shares of the capital stock of Steffens, Jones & Co., Inc., a New York corporation; and

Whereas, by said Vesting Order No. 426, there were also vested all the right, title, interest and claim of Dr. Robert F. Lachmann, Hamburg, Germany, and Julius Lachmann, Hamburg, Germany, in and to all indebtedness owing to them by Steffens, Jones & Co., Inc., and it has been ascertained that certain claims in favor of Dr. Robert Lachmann and Julius Lachmann aggregating \$48,736.74 were thereby vested; and

Whereas, by Subordination Order No. 3, executed July 12, 1943, the officers and directors of Steffens, Jones & Co., Inc., were directed to subordinate the vested claims in the name of Dr. Robert F. Lachmann and Julius Lachmann to the claims of other creditors of, and claimants against Steffens, Jones & Co., Inc.; and

Whereas, Steffens, Jones & Co., Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except a balance still unpaid of the claims formerly of Dr. Robert Lachmann and of Julius Lachmann which have been vested and subordinated as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having accordingly been filed with the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Steffens, Jones & Co., Inc. (to wit, Stanley B. Reid, President and Director, Robert Kramer, Secretary and Director, and Edward W. Hardy, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Steffens, Jones & Co., Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfac-

tion of the unpaid balance of the vested claims described above and in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Steffens, Jones & Co., Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein; and further orders, that to the extent that the provisions of this order are inconsistent with the provisions of Subordination Order No. 3 executed July 12, 1943, the provisions of this Order shall govern.

Executed at Washington, D. C. this 19th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1843; Filed, Feb. 26, 1947;
8:48 a. m.]

[Vesting Order 8134]

INTERNATIONAL MORTGAGE AND INVESTMENT CORP.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 352, dated November 11, 1942, that International Mortgage and Investment Corporation, a New York corporation, is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. It is hereby found: (a) That 92 preferred shares and 138 common shares of the issued and outstanding capital stock of International Mortgage and Investment Corporation, are registered in the

names of the following persons in the number appearing opposite each name and are evidence of an interest in International Mortgage and Investment Corporation:

Certificate No.	Name	Number of shares	
		Preferred	Common
PO252.....	Shepherd & Co.....	57	138
CO339, C451.....	do.....		
PO220-1.....	Hallgarten & Co.....	35	
Total.....		92	138

b. That 138 common shares, represented by Certificates Nos. CO339 and C451, and 57 preferred shares, represented by Certificate No. PO252, are beneficially owned by Deutsche Kredit u. Handelsgesellschaft A. G., and 35 preferred shares, represented by Certificates Nos. PO220-1, are beneficially owned by Naptha S. A.;

c. That Deutsche Kredit u. Handelsgesellschaft A. G., the last known address of which is Jaegerstrasse 63, Berlin, W8 Germany, is a corporation organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

d. That Wilhelm Ellinger whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

e. That all of the issued and outstanding stock of Naptha, S. A., a company organized under the laws and maintaining its principal place of business in Luxembourg, is owned by Wilhelm Ellinger;

and it is hereby determined:

3. That Naptha, S. A. is controlled by Wilhelm Ellinger or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That to the extent that the persons named in subparagraphs 2b, c, d and e hereof, are persons not within a designated enemy country, the national in-

terest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 92 shares of \$100 par value preferred stock and 138 shares of no par value common stock of International Mortgage and Investment Corporation, more fully described in subparagraph 2a hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1829; Filed, Feb. 26, 1947;
8:46 a. m.]

SHELL DEVELOPMENT CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Shell Development Co., San Francisco, Calif.	804	68 (7 F. R. 6181)...	U. S. Letters Patent No. 2,348,832.	Washington, D. C.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1844; Filed, Feb. 26, 1947;
8:48 a. m.]

[Vesting Order 8207]

ANNA BRUEMMER

In re: Bank account and personal property owned by Anna Bruemmer, also

known as Anna Brummer. F-28-3325-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Bruemmer, also known as Anna Brummer whose last known address is No. 48 In Affalter near Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Trust Company of New Jer-

sey, 35 Journal Square, Jersey City, New Jersey, arising out of a savings account, Account Number 65255, entitled William J. Topken, Attorney in fact for Anna Brummer, maintained at the branch office of the aforesaid bank located at Bergenline Avenue at 32nd Street, Union City, New Jersey, and any and all rights to demand, enforce and collect the same, and

b. That certain set of diamond earrings presently in the custody of William J. Topken, in a safe deposit box numbered 907, entitled William J. Topken, as attorney-in-fact for Anna Brummer, in the Union City Branch of The Trust Company of New Jersey, Union City, New Jersey,

is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Bruemmer, also known as Anna Brummer the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1830; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8215]

ELIZABETH M. LAISE

In re: Estate of Elizabeth M. Laise, deceased. File No. D-28-10133; E. T. sec. 14426.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth Berrisch, Frieda Berrisch, Lotte Wolf, Grete Ebeling and Fritz Wolf, and each of them, in and to the Estate of Elizabeth M. Laise, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elizabeth Berrisch, Germany.
Frieda Berrisch, Germany.
Lotte Wolf, Germany.
Grete Ebeling, Germany.
Fritz Wolf, Germany.

That such property is in the process of administration by H. David Zerman, Jacob Levine and Imgard Killinger, as Co-Executors, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1831; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8217]

FREDERICK W. MULLER

In re: Trust u/w of Frederick W. Muller, deceased. File D-28-8539; E. T. sec. 10112.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Seitz, Luise Fengler, Albert Fengler, Gertrude Fengler, and Erna Fengler, whose last known address is

Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Luise Fengler, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Frederick W. Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Eleanor P. Lyon and Daniel Levy, as trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Luise Fengler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1832; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8226]

MASAO ARAKI ET AL.

In re: Bank accounts owned by Masao Araki and others. F-39-636-E-1, F-39-1146-E-2, F-39-5713-E-1 through F-39-5723-E-1, F-39-2836-E-1, F-39-2960-E-1, F-39-3507-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known address is Japan, are residents of Japan and na-

nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A, attached hereto and by reference made a part hereof, by The Sumitomo Bank of Hawaii, P. O. Box 1200, Honolulu, T. H., as described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of Depositor, Type of Bank Account and Receiver's Liability No.

Araki, Masao, savings, 756.
Fukushima, Tatsu, savings, 1404.
Ishii, Matsusaburo, certificate of deposit, 11299.
Kameoka, Keitaro, certificate of deposit, 11337.
Masuda, Yoshio, certificate of deposit, 11453.
Nagao, Chika, savings, 5724.
Nishiba, Kikuyo, savings, 11035.
Nishikawa, Ushi, savings, 6508.
Okahashi, H. (also known as Okahashi Hayashi), demand deposit, 425.
Osaki, Masao, savings, 7307.
Sugamura, Mrs. Y. (also known as Sugamura Yoshiko), checking, 330.
Takamoto, Jitsu or Takamoto, Gentaro, savings, 8813.
Uejio, Takiyo, savings, 9850.
Wakimoto, T., savings, 10096.
Watanabe, Mitsushige, demand deposit, 440.
Yoshida, Mungo, savings, 10845.

[F. R. Doc. 47-1833; Filed, Feb. 26, 1947; 8:46 a. m.]

No. 41—4

[Vesting Order 8229]

E. FINDEL AND RICKE FINDEL

In re: Bank account, bonds and deposit receipt owned by E. Findel and Ricke Findel. F-28-4472-E-1, F-28-4472-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Findel and Ricke Findel, whose last known addresses are Koesterbergerstrasse 6, Blankenese Bei, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to E. Findel and/or Ricke Findel, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, account number 656 FF, entitled E. Findel and/or Ricke Findel, and any and all rights to demand, enforce and collect the same,

b. Three (3) Cuba Northern Railways Company First Gold 5½% Series of 1942 Bonds, of \$1,000.00 face value, bearing the numbers 2670, 2671 and 2672, presently in the custody of Bankers Trust Company, New York, New York, together with any and all rights thereunder and thereto, and that certain deposit receipt, issued by Bankers Trust Company for the above-described bonds, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, and any and all rights in, to and under the aforementioned deposit receipt, and

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York,

New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Number of bonds and description of issue	Maturity date	Face value	Numbers
Nine (9) Mortgage Bank of Chile, 6¾ percent guaranteed sinking fund bonds.	June 30, 1961	\$1,000	M14190, M14191, M14192, M14193, 9325, 4015, 10865, 10866, 10800.
Eight (8) Republic of Peru, external sinking fund 6 percent (National loan) first series bonds.	Dec. 1, 1960	1,000	M14743, 886, 887, 888, 889, 890, 24863, 28464.
Five (5) State of Rio Grande do Sul external sinking fund, 6 percent bonds.	June 1, 1963	1,000	M3001, M3002, M3003, M3004, M3005.

[F. R. Doc. 47-1835; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8228]

FRIEDA AUF DER MAUER

In re: Bank account owned by Frieda Auf der Mauer, also known as Frieda A. D. Mauer. F-28-28087-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Auf der Mauer also known as Frieda A. D. Mauer, whose last known address is Kamen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frieda Auf der Mauer, also known as Frieda A. D. Mauer, by The Manufacturers National Bank of Detroit, 151 West Fort Street, Detroit, Michigan, arising out of a savings account, Account Number 22859, entitled Frieda A. D. Mauer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid

national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1834; Filed, Feb. 26, 1947;
8:47 a. m.]

[Vesting Order 8230]

JOHANNE GUENTHER

In re: Debt owing to Johanne Guenther. F-28-8142-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Guenther, whose last known address is Oberstdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to Johanne Guenther by Savannah Bank & Trust Company, P. O. Box 489, Savannah, Georgia, evidenced by two checks numbered 98088 dated November 14, 1939, and 98687 dated February 1, 1940, in the amounts of \$45.00 and \$20.00, respectively, drawn by the Savannah Bank & Trust Company on Chase National Bank of New York, payable to Bankhouse J. H. Stein of Cologne, Germany, for account of Johanne Guenther, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1836; Filed, Feb. 26, 1947;
8:47 a. m.]

[Vesting Order 8231]

HARTMAN HECKER

In re: Debt owing to and bonds owned by Hartman Hecker. F-28-25378-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hartman Hecker, whose last known address is Lehnhausen, Port Frankenberg, Eder Land, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hartman Hecker, by The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chestnut Streets, Philadelphia, Pennsylvania, in the amount of \$156.87, as of November 12, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, owned by Hartman Hecker, and presently in the custody of The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chest-

nut Streets, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto, and

c. One Certificate of Deposit for Er-langer Theatre First Mortgage 4.4 Coupon Bonds, bearing the number 436, and presently in the custody of The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chestnut Streets, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of issuer	Type of bond	Certificate No.	Face value
The United States of America.	United States of America savings bond, series G.	3523014	\$100
		352308	100
		1510274	500
		1457306	100
		1457307	100
		602079	500
		4350548	100
		4350549	100
		4350550	100
		699508	5,000
Do.....	United States of America 2 1/2 percent Treasury bond.	4750899	1,000
		4750900	1,000
		5532	1,000
Do.....	United States of America 2 percent Treasury bond.	5533	1,000
		5534	1,000
		46432	1,500
		53325	
		54236	1,000

[F. R. Doc. 47-1837; Filed, Feb. 26, 1947;
8:47 a. m.]

[Vesting Order 8236]

WILHELM LUEDEKING

In re: Bank account owned by Wilhelm Luedeking. F-28-12875-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Luedeking, whose last known address is Herforderstrasse 17, Bad Salzungen, 1, Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Western Bank & Trust Company, Cincinnati 1, Ohio, arising out of a trust account, entitled The Western Bank and Trust Company, Trustee under agreement with Otto Luedeking dated June 12, 1936, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Luedeking, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1840; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8237]

WILLIAM BLIESNER

In re: Estate of William Bliesner, deceased. File D-28-11219; E. T. sec. 15580.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Bliesner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of William Bliesner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Max Bliesner, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1841; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8234]

EXPORTKREDITBANK A. G.

In re: Stock owned by Exportkreditbank A. G. F-28-180-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amend-

ed, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. Five (5) shares of \$100.00 par value 6% Preferred capital stock of Chicago, Rock Island & Pacific Railway Company, 129 Van Buren Street, Chicago, Illinois, a corporation organized under the laws of the States of Illinois and Iowa, evidenced by certificate number D49195, registered in the name of Wiley & Company, a nominee of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, and presently in the custody of the aforesaid Manufacturers Trust Company, in an account entitled Export Kredit Bank A. G., Berlin, Special Customers Account, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1838; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8235]

HERMAN HERZOG

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased. F-28-8287-E-1, F-28-8287-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Herman Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Hamburg Savings Bank, 1451-3 Myrtle Avenue, Brooklyn, New York, arising out of a savings account, Account Number 64475, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Prudential Savings Bank, Broadway & Vernon Avenue, Brooklyn 21, New York, arising out of a savings account, Account Number 45,965, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1839; Filed, Feb. 26, 1947;
8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 353,¹ WITHDRAWING PUBLIC LANDS FOR THE PROTECTION OF THE WATER SUPPLY FOR THE CITY OF FAIRBANKS, ALASKA

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 353, of February 18, 1947, withdrawing the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 26, T. 1 S., R. 1 W., F. M., Alaska, for the protection of the water supply for the City of Fairbanks, Alaska, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 18, 1947.

[F. R. Doc. 47-1802; Filed, Feb. 26, 1947;
8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By an order issued on November 19, 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181, et seq.), rates and charges were prescribed for respondents. On July 29, 1941, and June 18, 1946, the order of November 19, 1926, was modified, and, as so modified, has been extended from time to time and is still in effect.

By a petition filed on February 13, 1947, the respondents have requested that the existing schedule of rates and charges prescribed by the order of June 18, 1946, be amended to include in said schedule of rates and charges the changes shown in Exhibit A attached to their said petition, which changes are as follows:

¹ See Title 43, Appendix, *supra*.

DEFINITIONS

6. Bulls, are uncastrated animals of the bovine species weighed in drafts, the average weight of the animals being more than 700 pounds.

SECTION A SELLING CHARGES

	Existing rates (per head)	Proposed rates (per head)
Calves:		
Consignments of more than 1 head:		
First 15 head in each consignment.....	\$0.35	\$0.40
Each head over 15 in each consignment.....	.25	.30
The charge on each car of calves shall not exceed \$24 per single deck and \$30 per double deck.		
Cattle:		
Each head over 15 in each consignment.....	.65	.70
Bulls.....		1.25

SECTION B SELLING CHARGES

	Existing rates (cents per head)	Proposed rates (cents per head)
Hogs:		
1 head and 1 head only.....	40	50
Consignments of more than 1 head:		
First 10 head in each consignment.....	28	30
Next 15 head in each consignment.....	28	28
Each head over 25 in each consignment.....	22	24

SECTION D SELLING CHARGES

Resales

60 percent of the rates named in Sections A, B, C.

SECTION E SELLING CHARGES

Subsequent Reports and Accounts of Sales

A charge of 25 cents shall be made for subsequent reports necessary on subject or crippled animals.

SECTION F BUYING CHARGES

Stocker and Feeder Cattle

For purchasing stocker and feeder cattle and/or calves, \$19 per 36-foot car, and \$21 per 40-foot car. (Order for railroad car to determine rate.) When necessary to purchase and pick up a car from more than 2 agencies, 50¢ per additional agency over 2, maximum additional charge \$3.

For purchasing stocker and feeder cattle and/or calves to be driven or hauled out, the rate shall be 75 cents per head on cattle and 40 cents per head on calves, with a maximum charge of \$19, and 22,000 pounds shall be considered as the maximum weight to be purchased at this maximum rate.

When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge \$3.

Stocker and Feeder Bulls

\$1.25 per head. (Maximum rates do not apply to bulls.)

Cattle for Immediate Slaughter

For purchasing cattle and/or calves for immediate slaughter \$15 per car. When

necessary to purchase and pick up a car from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge \$3.

For purchasing cattle and/or calves for immediate slaughter to be driven or hauled out, the rate shall be 75 cents per head on cattle, and 40 cents per head on calves, with a maximum charge of \$15 for each 22,000 pounds. When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge \$3.

Slaughter Bulls

\$1.25 per head. (Maximum rates do not apply to bulls.)

When cattle and/or calves are purchased for immediate slaughter for outside packers by their own buyers, market agencies merely clearing such transactions, \$6.25 per car.

SECTION G

BUYING CHARGES

Other Hogs

For purchasing hogs other than stockers and feeders \$12 per single deck and \$15 per double deck car.

For purchasing each 120 head or fraction thereof of hogs on one order to be driven or hauled out, the rates to be determined as follows: 25 cents per head, up to and including 60 head, with a maximum charge of \$12; and 25 cents per additional head above 60, with a maximum of \$15, up to and including each 120 head.

The proposed modifications set out above, if granted, would have the effect of increasing the revenues accruing to respondents, and, it appears that public notice should be given to all interested persons of the request of respondents so as to afford all interested persons, including patrons of respondents, an opportunity to be heard in the matter, should they so desire.

Therefore, notice is hereby given to the public and to all interested persons of the filing of said petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL]

H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-1851; Filed, Feb. 26, 1947;
8:45 a. m.]

[P. & S. Docket No. 425]

SIoux CITY STOCK YARDS Co.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 13, 1934, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent.

Upon petitions for modification filed by respondent, this order has been modified from time to time.

By petition filed on February 17, 1947, the respondent has requested certain increases in its rates and charges, as follows:

Yardage	Present rates (per head)	Proposed rates (per head)
Cattle:		
Rail	42	50
Truck	49	50
Direct	21	25
Resale Commission division	42	50
Calves (400 pounds or under):		
Rail	30	35
Truck	15	17½
Direct	30	35
Resale Commission division	30	35
Hogs:		
Rail	15	19
Truck	18	19
Direct	7½	9½
Resale Commission division	15	19
Sheep:		
Rail	9	13
Truck	4½	6½
Direct	9	13
Resale Commission division	40	50
Horses: Rail		

The proposed increases, if granted, are calculated to result in additional gross revenue to respondent and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL]

H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-1850; Filed, Feb. 26, 1947;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8067, 8068]

MIDLAND BROADCASTING CO. AND FRED JONES
RADIOCASTING AND TELEVISION CO.

ORDER CONTINUING HEARING

In re application of Midland Broadcasting Company, Kansas City, Missouri, Docket No. 8067, File No. BP-5154; and Fred Jones, C. A. Vose, Streeter B. Flynn, and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, Docket No. 8068, File No. BP-5404, for construction permits.

The Commission having under consideration a motion filed February 20, 1947 by the Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma requesting a 30-day continuance

in the consolidated hearing upon the above-entitled applications which is presently scheduled for March 3, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m. Wednesday, April 2, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1853; Filed, Feb. 26, 1947;
8:45 a. m.]

[Docket No. 7952]

KANSAS BROADCASTING, INC. (KANS)

ORDER CONTINUING HEARING

In re application of Kansas Broadcasting, Inc. (KANS), Wichita, Kansas, File No. BP-5159, Docket No. 7952, for construction permit.

The Commission having under consideration a petition filed February 12, 1947 by Kansas Broadcasting, Inc. (KANS), Wichita, Kansas requesting an indefinite continuance in the hearing upon its application for construction permit (File No. BP-5159, Docket No. 7952) which is presently scheduled for March 7, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued without date until further order of the Commission.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1852; Filed, Feb. 26, 1947;
8:45 a. m.]

[Docket Nos. 6805, 7977, 8069]

FEDERAL PUBLICATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re application of Federal Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. BP-5385; Saginaw Broadcasting Company, Saginaw, Michigan, Docket No. 8069, File No. BP-5578; and Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. BP-4088; for construction permits.

The Commission having under consideration a joint petition filed February 20, 1947 by the above-entitled applicants requesting a 30-day continuance in the further hearing upon their applications for construction permits which is presently scheduled for February 21, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled applications be, and it is hereby,

continued to 10:00 a. m. Wednesday March 26, 1947 at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1854; Filed, Feb. 26, 1947;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 123]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 18, 1947, by L. D. Goldstein Fruit & Produce Corp., of cars ART 21855 and FGE 38378, tomatoes, now on the Pennsylvania RR., to L. D. Goldstein Fruit & Produce Corp., Baltimore, Md. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1808; Filed, Feb. 26, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 124]

RECONSIGNMENT OF GRAPES AT DES MOINES, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Des Moines, Iowa, February 20, 1947, by Hoxie Fruit Co., of car SFRD 3676, grapes, now on the C. R. I. & P. RR., to Robert L. Berner Co., Chicago, Ill. (C.R.I. & P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the

car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1809; Filed, Feb. 26, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 125]

RECONSIGNMENT OF ORANGES AND ONIONS AT WATERLOO, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Waterloo, Ia., February 20, 1947, by Hoxie Fruit Co., of cars PFE 61038 and WFEX 67231, oranges and onions, respectively, now on the Chicago Great Western RR.; PFE 61038 to Western Grocery Co., Mason City, Iowa (CGW); and WFEX 67231 to Robert L. Berner Co., Chicago, Ill. (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1810; Filed, Feb. 26, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 126]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 20, 1947, by Gust Relias, of car PFE 44003, tomatoes, now on the Wabash RR., to M. Degaro Co., Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1811; Filed, Feb. 26, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 127]

RECONSIGNMENT OF ORANGES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, February 20, 1947, by Gentile Bros., of car ART 17400, oranges, now on the C. N. O. & T. P. Ry., to Wm. Sean & Co., Columbus, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1812; Filed, Feb. 26, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 128]

RECONSIGNMENT OF LETTUCE AND CARROTS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., February 20, 1947, by Barnett

Gerstein Co., of car PFE 62313, lettuce and carrots, now on the C., R. I. & P. RR., to Barnett Gerstein Co., Chicago, Ill. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1813; Filed, Feb. 26, 1947;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2210]

CARIBBEAN-ATLANTIC AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Caribbean-Atlantic Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and

determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 59.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 27, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Dated: Washington, D. C., February 20, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1819; Filed, Feb. 26, 1947;
8:48 a. m.]

[Docket No. 2366]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of All American Aviation, Inc., for a temporary amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended,

particularly sections 401 and 1001, of the said act, that a hearing in the above-entitled proceeding is assigned to be held on March 3, 1947, at 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated: Washington, D. C., February 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1820; Filed, Feb. 26, 1947;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-175]

NANTAHALA POWER AND LIGHT CO.

NOTICE OF FINDING OF THE COMMISSION

FEBRUARY 24, 1947.

Notice is hereby given that, on February 20, 1947, the Federal Power Commission issued its finding entered February 18, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1825; Filed, Feb. 26, 1947;
8:48 a. m.]

